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Bengal Legislative Council

Forty-eighth Session, 1936

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir JOHN WOODHEAD, K.C.S.I., C.I.E., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Sir ROBERT REID, K.C.I.E., C.S.I., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Jails.
7. Hazaribagh Reformatory School.

The Hon'ble Sir BROJENDRA LAL MITTER, K.C.S.I., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Judicial.
5. Legislative.

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1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

MINISTERS.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, KT., of Ratanpur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, in charge of the following portfolios:—

1. Education.
2. Registration.
3. Wakf.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, KT., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Secretary to the Council—Mr. J. W. McKAY, I.S.O.

Assistant Secretary to the Council—Mr. K. ALI AFZAL, Bar.-at-Law.

Panel of Chairmen for the Forty-eighth Session.

1. Mr. W. H. THOMPSON, C.S.I.
2. Khan Bahadur MUHAMMAD ABDUL MOMIN, C.I.E.
3. Mr. NARENDRA KUMAR BASU.
4. Maharaja SRIS CHANDRA NANDY, of Kasimbazar.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]

B

Baksh, Maulvi Shaikh Rahim. [Hooghly (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Rai Sahib Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Bahadur Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Rai Bahadur Shailendra Nath. (Nominated Expert.)
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Babu Premhari. [Dinajpur (Non-Muhammadan).]
Basir Uddin, Khan Bahadur Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Basu, Mr. S. (Nominated Official.)
Blandy, Mr. E. N., C.I.E. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]

Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]

Chaudhuri, Maulvi Syed Osman Haider. [Tippera North Muhammadan).]

Chokhany, Rai Bahadur Ram Dev. (Bengal Marwari Association.)

Choudhury, Maulvi Yousof Hossain. [Faridpur North (Muhammadan).]

Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]

Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]

Chaudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]

Cohen, Mr. D. J. (Nominated Non-official.)

D

Das, Babu Guruprosad. (Nominated Non-official.)

Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]

Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]

Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab Sir Mohiuddin, Kt., of Ratanpur. [Minister.] [Tippera South (Muhammadan).]

Faslullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]

Ferguson, Mr. R. H. [Rajshahi (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Gilchrist, Mr. R. N., C.I.E. (Nominated Official.)
Graham, Mr. H., C.I.E. (Nominated Official.)
Griffiths, Mr. Charles (Anglo-Indian.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Guthrie, Mr. F. C. [Presidency and Burdwan (European).]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haldar, Mr. S. K. (Nominated Official.)
Haque, the Hon'ble Khan Bahadur M. Azizul. [Minister.] [Nadia (Muhammadan).]
Hogg, Mr. G. P., C.I.E. (Nominated Official.)
Homan, Mr. F. T. (Bengal Chamber of Commerce.)
Hooper, Mr. G. G. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

J

Jenkins, Dr. W. A. (Nominated Official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Maazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Abi Abdulla. [Bakarganj South (Muhammadan).]
Khan, Khan Bahadur Hashem Ali. [Bakarganj West (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
Kindersley, Mr. J. B. (Nominated Official.)

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*Deputy President, Bengal Legislative Council

L

Lamb, Mr. T. (Bengal Chamber of Commerce.)
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leeson, Mr. G. W. (Bengal Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, Mr. S. C. (Nominated Official.)
Mitter, the Hon'ble Sir Brojendra Lal, K.C.S.I. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kasimbazar. (Bengal National Chamber of Commerce.)
Nicholl, Mr. C. K. (Indian Tea Association.)
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Page, Mr. W. W. K. [Presidency and Burdwan (European).]
Paul, Sir Hari Sanker, KT. [Calcutta South (Non-Muhammadan).]
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Porter, Mr. A. E. (Nominated Official.)

Q

Quasem, Maulvi Abul. [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Khan Bahadur A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan.)
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
*Ray Chowdhury, the Hon'ble Raja Sir Manmatha Nath, of Santosh. (Dacca Landholders.)
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Reid, the Hon'ble Sir Robert, K.C.I.E., C.S.I. (Member, Executive Council.)
Ross, Mr. J. B. (Indian Mining Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roxburgh, Mr. T. J. Y., C.I.E., (Nominated Official.)
Roy, the Hon'ble Sir Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy Choudhuri, Rai Bahadur Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sachse, Mr. F. A., C.S.I. C.I.E. (Nominated Expert.)
Sahana, Rai Bahadur Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sen, Rai Bahadur Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

*President of the Bengal Legislative Council.

Sen, Rai Bahadur Gris Chandra. (Expert Nominated.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan.)]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Shahabuddin, the Hon'ble Mr. Khwaja. (Member, Executive Council.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Babu Kshetra Nath. [Rangpur West (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Stevens, Mr. H. S. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Tarafder, Maulvi, Rajibuddin [Bogra (Muhammadan).]
Thompson, Mr. W. H., C.S.I. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V., C.I.E. (Nominated Official.)

W

Walker, Mr. J. R. (Indian Jute Mills Association.)
Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Woodhead, the Hon'ble Sir John, K.C.S.I., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-eighth Session.)

Volume XLVIII—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 12th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

Oaths.

The following members made an oath or affirmation of allegiance to the Crown:—

Mr. C. C. Miller.

Mr. Charles Griffiths.

Dr. W. A. Jenkins.

Mr. J. B. Kindersley.

Mr. C. K. Nicholl.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. W. H. Thompson, C.S.I.

(2) Khan Bahadur Muhammad Abdul Momin, C.I.E.

(3) Mr. Narendra Kumar Basu.

(4) Maharaja Sris Chandra Nandy, of Kasimbazar.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Council Condolence for His late Majesty King George V, Emperor of India.

Mr. PRESIDENT: Gentlemen of the Council: It was in April last that I asked you from my place as your President to authorise me, to send, in your behalf and in your name, a loyal message to His late Majesty King George V, conveying our respectful homage and congratulations on the occasion of the Silver Jubilee of his glorious and eventful reign. It seems so recently that we were rejoicing with the whole Empire in celebrating the completion of the twenty-fifth year of his beneficent and memorable rule and such are the inscrutable ways of Providence that to-day it is my mournful duty—my misfortune—to have to speak of him in memorium and to record, on your behalf, the poignant grief which the passing away of our Sovereign Lord has caused.

I do not know how to give adequate expression to a sorrow which has plunged India, in common with other parts of the far-flunged British Empire, in unutterable grief. The situation is full of tension; for, our late King-Emperor won his way into the hearts of his subjects not by might or power, but by his moral uprightness, his genuine affection for all who were committed to his care, his great solicitude for their welfare and last though not the least, by his supreme devotion to duty. He was verily a prince amongst men and the world has surely lost in him one of its great men and is decidedly poorer without him.

As Emperor of India, he was able to place his Throne upon the unyielding elements of righteousness and on a feeling of reverential affection which his sympathy and sagacity earned for him from the peoples of this vast and ancient land of every creed and of every shade of political thought. His great personality, exalted character, and lofty virtues shed upon his Throne a lustre, the brilliancy of which surpassed the dazzling pomp and grandeur of the trappings of royalty.

India can never forget the great solicitude that the late King-Emperor always evinced towards his Indian Empire, the brightest jewel in the British Crown. Both in public announcements and in personal conversations he constantly breathed gracious words of encouragement to his Indian subjects to go forward in the noble work which Britain has so worthily undertaken of entrusting them, more and more, in the great task of governing themselves, so that in the fullness of time India may become an equal partner in the great Commonwealth of Nations, forming the British Empire under the British Crown. We in India cannot forget the personal solicitude for and trust in us laid bare in King George's remarks made, in a characteristically homely phrase, to an Indian Round Tabler—"Wring as much as you can out of my Ministers." What a world of friendliness breathes in that phrase.

We are sure from this and from numerous other evidences, that His late Majesty always lent his great influence to the side of those who said "trust India." Trust and sympathy were his watch-words in dealing with the legitimate aspirations of his Indian subjects and you all know, gentlemen, that sympathy is a universal solvent.

India was fortunate in coming into personal contact with His late Majesty during his two memorable visits to this historic country. Our people were then able to appreciate in the fullest possible degree the sweetness of his character, and his charming courtesy and genial personality won for him their unstinted love and admiration. Pardon me if I, as illustrations, allude to two incidents of the Royal visits which affect me and will continue to affect me till the end of my days: When His late Majesty visited Calcutta as the Prince of Wales I had the unique honour of being presented to him, and I shall never forget in my life the noble words which fell from his lips when he was pleased to accept from me a special copy of my English translation of our great Bankimchandra's famous novel, "Chandrashekhar." His gracious words left no doubt in my mind that His late Majesty was deeply interested in realistic or idealistic character-sketches of the people of Bengal. After His accession to the Throne His late Majesty showed infinite kindness to me by graciously accepting the dedication of my book, "The Royal Visit." He did so in a manner which proved beyond the shadow of a doubt that he was every inch a king and that no one was too humble for his Royal favour. It showed that he was a monarch who gloried in that common humanity which made him one with his people. Any way, by exerting on those memorable occasions his magnetic qualities he was able to make his Royal House the rallying point of his Empire's solidarity. This is why notwithstanding the troublous times which marked his reign and while thrones in other kingdoms toppled, the Throne of our late Majesty, to the wondering admiration of the whole world, shone serene and he held the loyalty and affection of his people steadfast as few monarchs have been privileged to hold.

Gentlemen, our sorrow at the grievous loss of a monarch so universally revered and loved is too deep for words. We mourn with Her Majesty the Queen on the irreparable loss which She and Her Royal children and Her other relatives have sustained on the death of the King. May the knowledge that the whole world mourns with them in heartfelt sympathy be a comfort to them.

And what may I say of His new Majesty—King Edward VIII. We have His Royal word of His determination, with God's help, to follow closely in His Royal Father's footsteps. Need I remind the Council that it is under the regime of the Royal House of Windsor, now worthily represented in the gracious Person of His Imperial Majesty, that India has gained her present forward position in the Empire.

Known before as "The Royal Ambassador of the Empire," universally loved and revered for his princely qualities, which have been proved and tried in the service of the Empire as Prince of Wales, we feel that the destinies of this great land, no less than that of the rest of the Empire are, with God's help, in safe-keeping in His Royal hands.

Together with all his subjects throughout the great British Empire we bow in loyalty and allegiance to our King Emperor, His Gracious Majesty King Edward VIII, and with one voice acclaim—"Long live the King!"

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Mr. President, Sir, I associate myself whole-heartedly with what you have said about our late King Emperor of happy and blessed memory. Like you, Sir, words fail me to give adequate expression to my feelings on the terrible loss that has befallen us and the whole of the British Empire on the demise of our late beloved King Emperor.

His late Majesty was the greatest constitutional monarch of the age who always cherished deep and sincere affection towards his subjects all over the globe and genuine sympathy towards their legitimate aspirations. He ascended the Throne in July, 1911, and a year after visited India as the first reigning King of England and Emperor of India. That historic visit ushered in a new era of peace and good-will in this country where the person of the ruling King is religiously and traditionally held in the highest esteem and reverence. By that august visit His late Majesty endeared himself to all his Indian subjects, high and low, who had not the fortune and privilege to pay homage to the person of a ruling King for ages. One had only to look round this great city of Calcutta on the day of the funeral of his late lamented Majesty to know how universally and sincerely he was mourned and in what great respect his memory was held by the people of this country. In churches, mosques and temples, in open spaces and in our homes, prayers of millions of his faithful Indian subjects, irrespective of caste, creed, colour or political profession, went up to the Throne of the Almighty for the eternal peace and rest of the great soul.

Sir, I also associate myself with you in offering our heartfelt sympathy to Her Gracious Majesty Queen Mary and the Royal family that God in His infinite mercy may give comfort to them and sustain them in their irreparable loss.

Our thoughts also go out in deep and respectful sympathy to His Gracious Majesty King Edward VIII, Emperor of India, in the loss of the father so dear to him. We also pay our respectful homage to His Imperial Majesty on his accession to the Throne as our Sovereign Lord and pray that God in His infinite mercy may bless him with courage

and wisdom in the heavy and responsible task that lies before him and grant him many happy years of life and a glorious and prosperous reign.

Mr. W. H. THOMPSON: Mr. President, Sir, I remember very clearly what it was like in England when Queen Victoria died. You, Sir, must have seen that film "Cavalcade." The author of that play did not exaggerate the public feeling at the time. But I think that the British people has been not less affected at the death of King George. Following Victoria and Edward we somehow did not expect as much of him as we had had of them, but we have had more. He won our respect during the 25 strenuous years of his reign and grew into our affections until we loved him as few kings have been loved. And as a man, if we are to judge him by the way he did his job, if we are to judge him as history will judge him by results, surely he is to be accounted not only one of the greatest but one of the cleverest men of his age. It goes without my saying it, Sir, on behalf of this group that we associate ourselves with what you have expressed. It is our King that has died and has been succeeded by his son, one more in the long line of kings that goes back to William the Conqueror nearly 900 years ago; and for 900 years men of one blood have ruled over us. But on the day the news came through it was not only the offices of the British mercantile firms and English shops in Calcutta that were closed. The Indian shops in the New Market and up and down the Harrison Road were closed too. Even the little *biri* shops along the pavements were shut; and in that loyalty there is a true link to bind the Indian peoples and ourselves. You have faith in our King. May we not hope that the memory of King George will help India to a better faith in the good-will of the British people?

Maharaja SRIS CHANDRA NANDY, of KASIMBAZAR: Sir, I welcome this opportunity of associating myself whole-heartedly with what you have said. The sudden removal from our midst of His late Majesty has been regarded in many Indian households as a direct personal bereavement, and we should indeed be failing in our duty if this House is not permitted to share this widespread grief.

His late Majesty was a great sovereign, and embodied within himself those kingly qualities and virtues which mark out a great monarch in history. It is indeed a unique record that in age of crumbling thrones and discredited monarchs, the King was able not only to retain the existing tradition, but enhance in an unbounded extent the prestige of the Crown by winning the confidence, loyalty and affection from his people. The personal qualities of our late Sovereign, his active and genuine sympathy with the wants, aspirations, ambitions and sufferings of his people, and his strict adherence to constitutional and traditional

principles do explain the unique success achieved during his reign and the universal respect with which the Throne is regarded to-day.

The sympathy of His late Majesty with Indian aspirations is widely known, and many of us still remember the glowing message that he delivered to India during the Silver Jubilee Celebrations. The long twenty-five years during which His late Majesty reigned over his Empire have indeed been crowded with events which are of momentous importance not only to India but to the world as well. In Bengal we can never forget that His Majesty's Coronation and the Delhi Durbar made the most important announcement of the annulment of the Bengal Partition and thus ended a controversy which was responsible for many unhappy political bickerings. The Great War, Montford Reforms and the Post-War Depression are some events of outstanding importance that fall within this crowded reign. Throughout our arduous journey during this eventful period, we had been constantly aware of a sympathetic King who with a painstaking energy kept himself cognisant of Indian affairs and was always ready to prove a helping hand. All of us know with what a sympathetic concern King George watched the proceedings of the Three Round Table Conferences, the deliberations of the Joint Parliamentary Committee and the debates in the two Houses of Parliament on the Government of India Bill. It is no wonder that a kingship that can evince these kingly qualities should prove to be endearing to its people and thus endure for ever.

Death is, however, the Great Leveller and even a King, however beloved and endearing he might be, must face this great fortitude of life. As the English poet says: "The sword, the sceptre and the spade, shall in the dust be equal made." We pray to God that His Majesty's soul may rest in peace and that His Royal successor, King Edward VIII, might prove to be a greater son of a great father.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, on behalf of the Moslem Councillors and the Moslems of Bengal whom we represent, I join in the expression of poignant sorrow and profound grief which you have expressed at the death of His late Majesty our King Emperor of blessed memory, George V. The Moslems' respect for the King and duty to him is a religious injunction. In this case this respect and this sense of duty did not emanate simply from religious injunction but were the outcome of deep affection for the late King who came very near to the ideal—as near as it is possible for any human being to come—the Oriental ideal of a king. Sir, this is not the occasion on which, I think, we should narrate the various historical events that took place during the reign of His late Majesty. We only pray to God for his eternal peace and we most humbly send our condolence and sympathy to the bereaved Royal Family, His Majesty King Edward VIII and Her Most Gracious Majesty the Queen Mother.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, I feel it a proud privilege to associate on behalf of myself and other landholding members of this House with you, in conveying our deepest sense of sorrow and respectful condolences to Her Majesty the Queen Mother, King Edward VIII and the august Members of the Royal Family in the calamity that has befallen them and the whole British Empire. We mourn here the passing away of a noble ruler and of one who embodied the true spirit of kingship and who was a veritable *ma bap* in the strictest sense of the word to his children consisting of various races, of various faiths throughout the British Empire. His late Majesty was the only king who visited India more than once, and he did so at a great personal risk and trouble. He showed genuine sympathy for his Indian people which is manifested in his kind words when the India Bill was on the anvil on the floor of the British Parliament. Sir, His late Majesty's name and fame will go down to history for all time to come as one of the greatest peace-loving monarchs that ever adorned the British Throne. During his reign the Great War broke out, but His Majesty by dint of his great personality won the love and affection of all classes of people and brought about a peace which is remarkable in the history of Europe, nay of the whole world. He was the visible symbol of unity of the British Empire and loving reverence and affection in the heart of his subjects. He was looked upon as a monarch who lived and died in the service of humanity at large and his even sympathy for all has been the dominating feature of his life.

His Majesty the new King Edward VIII, as Prince of Wales, visited not only this great country, but nearly all Dominions and Colonies, and has already won the affection of all races, castes, creeds and colours in the far-flung Empire. We fervently pray that His Majesty King Edward VIII may be spread many long years to rule over us for the welfare and well-being of the millions of his subjects throughout the British Commonwealth of Nations. Sir, once more we tender our sincerest and most respectful sympathy to the Queen Mother and to our new King Edward VIII and offer our humble homage to the new Emperor and the heart-felt good-will and loyalty to him. May he long live to reign over us. I am sure being the son of the great father, he will be a greater son.

Babu JATINDRA NATH BASU: I associate myself wholeheartedly with what has just fallen from you, Sir, and the other hon'ble members that have preceded me. The late King stood at the head of a vast assemblage of nations with a dignity and grace which won him the admiration of all. He welded together peoples of different races and creeds by the spirit of broadminded sympathy and of generous understanding which he possessed in a unique measure. The people

of India had ample manifestations of those qualities, especially during the two visits His Majesty paid to this country. During the Great War and in days of darkness and storm the late King stood by his people, sharing their difficulties, their dangers and sorrows. By his serenity and courage he put heart into them and inspired them with the spirit of determined endeavour. He is no longer in our midst. But the affectionate regard which his great and gracious personality inspired will continue and he will remain enshrined in the heart of the people as a great and beloved King.

King Edward VIII has come to a throne hallowed by such noble traditions. We all wish him a long, prosperous and happy reign.

Mr. NARENDRA KUMAR BASU: After the eloquent words that we have listened to in this House regarding the death of His late Majesty King George V there hardly remains much to be said. But in associating myself and those who sit on this side of the House with the expression of condolence at the death of his late Majesty, I am tempted to probe into the reasons for this general sorrow and grief amongst Indians at the death of King George V. Since His late Majesty died there have been expressions of grief all over the world and in the British House of Commons, in trying to explain the popularity of the late King, the Prime Minister pointed out his superb sense of duty. The Leader of the Opposition in the House of Commons said that he was an example—he might have said an exemplar of Constitutional Government. These must of course be the reasons for the popularity that King George enjoyed in the British Isles It might be that the love he manifested for the British people and his supreme sense of duty, and his constitutional ideas and ideal made him as much beloved amongst British people as the old King, spoken of by the Sanskrit poet, who was the real father of the people and their natural fathers merely begetters But what I shall pause to ask is the cause of the popularity of His late Majesty amongst us, Indians. It is no doubt true, as Mr. Momin has partly said, that loyalty to the King is innate in the Indian mind That by itself will not do It is not a question of loyalty that we are discussing, but it is a question of personal affection and love. To my mind it appears that His late Majesty by his gracious sympathy and his kingly words which went straight to the hearts of all the people under the British Crown did much to attain this popularity. You will remember—some of you—that when on account of the depredations of the Black and Tans in Ireland, Ireland was almost in a ferment, His Majesty went on a visit to Belfast. He said: "I appeal to all Irishmen to pause, to stretch out the hand of forbearance and conciliation, to forgive and forget, and to join in making for the land they love a new era of peace, contentment and good-will." All who are familiar with Irish history know that His Majesty's words did a great deal to soften the temper and the acerbity

of the Irish people. Similarly, in India when in 1921 the new Legislative Assembly was opened His Majesty the King through his uncle the Duke of Connaught gave the message that: "For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their motherland. To-day you have the beginnings of Swaraj within my Empire, and widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy." These words and words like these go straight to the heart and create for the speaker thereof a place in the hearts of the people which even the acts of his Councillors and Ministers in minimising those words do not destroy. It is my submission that that has given King George V this unique place in the hearts of the people, and even though we may be sorry that after having attained the Psalmist's span of life His Majesty is dead, if to reign sovereign over the hearts of the people is to have lived indeed King George was happy in his death.

Rev. B. A. NAG: It is an occasion when one feels that the heart has no real true expression for the grief that we feel about His Majesty. King George V made himself absolutely one with the people of Bengal when he came to India to unsettle what is known as the settled fact. His one desire on that occasion was to please the people. How the people took it that is another matter But he came to please the people and thus he enthroned and set himself in our hearts. Please do not forget to pay our homage also to his son King Edward VIII. We have seen him, we have known him and we know that he is a person of great determination and we can assure ourselves that we fear absolutely no evil from him. In fact, the question of Swaraj will go from more to more until we have achieved the end.

Mr. PRESIDENT: Gentlemen, I feel sure that it will be your wish that the following message be sent through His Excellency the Governor to His Majesty :—

MESSAGE.

"To HIS EXCELLENCY THE GOVERNOR OF BENGAL.

We, the President and members of the Bengal Legislative Council in meeting assembled on the opening day of our session, humbly beg to convey, through Your Excellency, to His Gracious Majesty the King Emperor, Edward VIII, to Her Majesty the Queen and to all the Royal Family our heartfelt condolence on the death of His late Majesty King George V of glorious and blessed memory, whose death the whole world, along with the British Empire, mourns so deeply.

We also respectfully present our humble duty to His Gracious Majesty on His accession to the Throne of Great Britain and of the Empire beyond the Seas, assuring His Gracious Majesty of our humble devotion, of our unswerving loyalty to His Throne and Person and wishing Him many and happy and prosperous years to reign over us."

Mr. PRESIDENT: I would ask you, gentlemen, kindly to rise in your places and observe a silence of two minutes as a mark of respect to the memory of His late Majesty King George V.

(The members rose and observed silence.)

Mr. PRESIDENT: I shall take steps to convey the message to His Excellency the Governor, and I would ask members to signify their assent by kindly rising in their places.

(All the members rose.)

Adjournment.

Mr. PRESIDENT: Gentlemen, it is fitting that we adjourn immediately for the day. The Council will meet to-morrow at 3 p.m as usual.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 13th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

Obituary References.

Mr. PRESIDENT: Gentlemen of the Council, we have to mourn the loss of three present and past members of this Council:—

(1) Maulvi Basar Muhammad, who was a member of this Council from 1924 to 1926, died some little time back. He was a Commissioner of the Rangpur Municipality at the time of his death and a member of the Rangpur District Board from 1926 to 1930. He did much to improve the co-operative movement in Rangpur where he was the Honorary Secretary to the Rangpur Central Bank from 1926 to 1929 and organised a number of rural societies which are still functioning.

(2) On the 26th December last a sitting member—Mr. E. T. McCluskie—died at the age of 63. Mr McCluskie represented the Anglo-Indian community in this Council since 1927 He was a leader of the Anglo-Indian community for whose interest he devoted his whole life For the amelioration of the condition of his community and to give it a position among the landholders, he established his colony at Lapra in Chota Nagpur known as McCluskiegunge. He was a pioneer in this city in the house and land agency business. He was a Governor of the Calcutta Free School (now St. Thomas's), a member of the Board of the European Mental Hospital at Ranchi, President of the Bengal Branch of the Anglo-Indian and Domiciled European Association for some years. He was also a member of the deputations which gave evidence before the Simon Commission and the Delimitation Committee. There is little doubt that his untimely death was brought about by his strenuous work for the welfare of his community. His death has deprived the Anglo-Indian community of a fearless leader and Calcutta of a worthy citizen.

(3) Mr. Sailaja Nath Roy Chowdhury, who was a member of this Council from 1921 to 1926, died in Calcutta on the 11th January, 1936.

He was a member of the landowning community of Bengal and a well-known *zemindar* of Satkhira. A man of amiable disposition and of courteous manners he was generally liked by his countrymen.

We have also to mourn the death of another past member, Rai Sahib Mohini Mohan Basu, which melancholy event took place in Calcutta on the 4th of this month. He was appointed on the 10th December, 1934, as an expert member on the Court-fees (Bengal Amendment) Bill which is now on the Statute Book as Bengal Act VII of 1935. He was an Advocate of the Calcutta High Court where he was afterwards appointed as Stamp Reporter which post he held till his death. His works on the Stamp Act and the Court-fees Act are regarded as standard works on the subjects. His death is deplored.

Gentlemen, it will be our duty to send a message of our deep sympathy to the members of the bereaved families. I would ask you to signify your assent by kindly rising in your places.

(Pause.)

Mr. PRESIDENT: Thank, you, gentlemen. The Secretary will take the usual steps.

Felicitations and congratulations.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir, may I have your ruling as to whether I shall be in order, because of the fact that during the interval between the last session and this session our President and the Leader of the House have both been honoured and had decorations conferred on them, to ask the House to pass a resolution of felicitation and congratulation upon the President and the Leader of the House, so that we, members of the House, may have an opportunity of making a reference to the honour done to the House through its President and its Leader?

Mr. PRESIDENT: For obvious reasons, I do not feel inclined to give any ruling on the point, but my advice to you is that you should not move any resolution.

Mr. SHANTI SHEKHARESWAR RAY: May I submit, Sir, that as the conferment of title is a matter solely in the hands of His Excellency the Viceroy it cannot be discussed here.

Mr. NARENDRA KUMAR BASU: My friend is absolutely wrong. Nobody in this House is anxious to discuss the matter. I say that several members of the House, including the President and the Leader of the House, have been decorated, and we really want to congratulate

them because as its President it would not be possible even for him, even as the mouthpiece of the House, to do that on this occasion. I, therefore, think that the House ought to convey its congratulation to the President and the Leader of the House, to Sir Robert Reid, Mr. W. H. Thompson, Mr. Townend, Khan Bahadur Maulvi Mohammed Basir Uddin, Rai Bahadur Hem Chandra Roy Choudhuri, and Rai Sahib Lalit Kumar Bal for the decorations conferred upon them. I do not think the President will allow you to vote upon it as a resolution, but as one representing all sections in this House, I would beg leave to congratulate you, Sir, and ask the House to support me by acclamation.

(This was done.)

Mr. SHANTI SHEKHARESWAR RAY: I rise to a point of order, Sir. May I ask your ruling whether this matter can be brought at all before the House because there may be difference of opinion in the matter and I feel——

Mr. PRESIDENT: Mr Ray, my advice to you is that if you are not willing to participate in what Mr. Basu has said, the best and the most dignified thing on your part would be to remain silent.

Maulvi ABDUL KARIM: There is a precedent for this, Sir. This is no resolution, but when you, Sir, were honoured with the title of Knighthood, I myself congratulated you, and there were other members who did so.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: With your permission, Sir, may I offer you our (I do so on behalf of the landholding group in this Council) sincere congratulation for the honour that has been conferred upon you in recognition of the work you have done at the dawn of the new year? At the same time, I wish to express our felicitations for the honour that has been conferred upon so many members of the House whose names have just now been mentioned. It is a matter of great satisfaction to me when I think that you, being a scion of an aristocratic family, have come to this House as one of the representatives of the landlord community to which I have the honour to belong. It is also a matter of great satisfaction to me to see that by the honour thus conferred on you the whole landholding community has been equally honoured. As President of this Council you have earned reputation not only of this Council but also of the country as a whole. I have had the privilege of visiting some of the legislatures of this country and I can say without any fear of contradiction that we have in you the ablest President in India. I am proud to say that we have been able to secure your services in this House. Thus the House has been honoured with your dignity.

In this connection I must offer our sincere congratulations to the Leader of the House, Sir Robert Reid, Mr. Thompson, Mr. Townend, Khan Bahadur Maulvi Mohammed Basir Uddin, Rai Bahadur Hem Chandra Roy Choudhuri and Rai Sahib Lalit Kumar Bal. In conclusion, I pray that all may live long to enjoy the honour conferred upon them and be prosperous.

The Hon'ble Sir JOHN WOODHEAD: May I just say on behalf of this group that we associate ourselves most whole-heartedly with Mr. Basu's resolution in respect of yourself and many distinguished members of this House on the honours conferred upon them.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, on behalf of this group, with the greatest pleasure I join in the felicitation that has been offered to you and to our colleagues for the honours bestowed upon them. To you, Sir, I offer not only mine, but every one of those whom I represent just now, our greatest felicitation because we sincerely admire your qualities of head and heart. We do so not on communal grounds as the Raja Bahadur of Nashipur has done, but on the general ground that you are not only a member of this Council but our spokesman and our chief. To the Leader of the House, Sir, we offer our congratulations for his very rapid promotion from one place to another which, I am sure, we all appreciate much more than probably he himself does. To Sir Robert Reid also we offer our congratulations. As I have once said with regard to Sir John Woodhead he is one of those of the last batch of Civil Servants, unfortunately becoming uncommon nowadays, who work for this country whole-heartedly and in the best interests of the community and the country. To our colleagues Messrs. Thompson and Townend, Khan Bahadur Maulvi Mohammed Basir Uddin, Rai Bahadur Hem Chandra Roy Choudhuri and Rai Sahib Lalit Kumar Bal we also extend our congratulations. Mr. Thompson, who does not happen to be here just now, occupies, so far as I am concerned, a peculiarly soft corner in my heart. I had been associated with him in service before and I find him at a later stage of my career generally on the same side with ourselves. His leadership of the European group has been remarkably able and sound, because he brings to bear on every point official and now as a non-official. He is particularly valuable so far as the European community is concerned, because most of the European members lack that experience of local conditions as Mr. Thompson and Mr. Townend possess. Mr. Townend has earned his honour perhaps more than any by his hard work, particularly in the Council, as Development Commissioner. With these words I join in the felicitations which have been expressed by Mr. Basu.

Babu JITENDRALAL BANNERJEE: May I point out, Sir, that there has been one man and that is the Khan Bahadur Momin himself

who proceeded from strength to strength from one Commissionership to another—from the Commissioner of a Division to the Wakf Commissionership, a change which, I am sure, he will appreciate more than others.

Mr. C. C. MILLER: May I, Sir, on behalf of this side of the House join with Mr. Basu in congratulating yourself and other members of the House who received honours on the 1st January last? If I may, without drawing any invidious distinction, congratulate you in particular for the honour which has been conferred upon you for it is an honour conferred upon this House which we greatly appreciate.

Mr. S. M. BOSE: Sir, may I join my humble voice with those who congratulated you on the honour that His Excellency the Viceroy has been pleased to confer upon you? This honour has been universally admitted to be well deserved. As our mouth-piece—as our spokesman—you have always stood up for the honour, dignity and prestige of the House and to a large extent taken a share in moulding the history, tradition, and practice of the House. We are very glad that His Excellency the Viceroy had recognised through you our work and I also congratulate all the others who have been honoured.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, as a member hailing from Eastern Bengal, I take this opportunity to associate myself in offering my hearty congratulations on your well-merited title that has been conferred on you as our worthy President and as well also on the popular Leader of the House and the popular Home Member, Sir Robert Reid, Mr Thompson and our colleagues Khan Bahadur Maulvi Mohammed Basir Uddin, Rai Bahadur Hem Chandra Roy Choudhuri, Mr. Townend and Rai Sahib Lalit Kumar Bal You being, Sir, a scion of an ancient historic family, have not only earned the appreciation of all the members of this House, but also of the outside public by giving a better exposition of the rulings embodied in the Council Manual and better discharge of the duties devolved on you. Sir, I also take pride in the Leader of the House because he hails from Eastern Bengal and deserves the well-merited honours conferred upon him for squeezing out grants by his arduous endeavours for the economic uplift of the country. As for Sir Robert Reid, he has won the esteem and affection of the people in the discharge of his duties conscientiously.

Rai Bahadur RAM DEV CHOKHANY: Sir, as one representing the Indian commercial community, I wish to join whole-heartedly in the expressions of felicitation on the honour conferred upon yourself and other members of this House.

Mr. PRESIDENT: I am deeply touched by the kind felicitations and congratulations offered to me. One of the most pleasant accompaniments of the honour which has been conferred upon me is the kind remembrances and good wishes of friends which it brings along with it. I should like to tell you that to me this honour will be an incentive to duty and a source of inspiration. Thank you, gentlemen.

STARRED QUESTIONS

(to which oral answers were given)

Krishak Samiti movement in Noakhali.

*1. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing, thana by thana and year by year, for the years from 1929 to October, 1935—

(*i*) the number of *ejahars* lodged in the Begamganj, Senbag, Lakshmipur, Ramganj and Sudharam police-station in the Noakhali district;

(*ii*) how many of these were received against *krishak samitis*;

(*iii*) how many against others;

(*iv*) how many cases were sent up against those referred to in (*ii*) and (*iii*) separately; and

(*v*) how many of those referred to in (*ii*) and (*iii*) separately were—

(*A*) convicted; and

(*B*) acquitted?

(*b*) Is it a fact that Government deputed two special officers to inquire about the activities of the *krishak samitis*?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what were the reasons for the deputation; and

(*ii*) what came out of the deputation?

(*d*) Are the Government considering the desirability of publishing the report of those officers?

(*e*) Is it also a fact that the members of the Noakhali Landholders' Association in a meeting held on the 28th March, 1933, authorised some of its members to inquire into the activities of the Noakhali *Krishak*

Samiti, who, after inquiry, submitted a report to the District Magistrate, Superintendent of Police, Noakhali, Hon'ble the Revenue and Political Members and other high officials of Government in the same year?

(*f*) If the answer to (*e*) is in the affirmative—

(*i*) what were the allegations made in the report; and

(*ii*) whether the Government are considering the desirability of laying on the table a copy of the report?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) The information required for an answer to this question is not available and could not be obtained without a laborious inquiry which Government are not prepared to undertake.

(*b*) Two officers were deputed by the District Officer to make an inquiry.

(*c*) (*i*) For the purpose of gaining information regarding the *krishak samiti* movement in the district.

(*ii*) Certain information has been collected relating to the *krishak samiti* movement in the district.

(*d*) No.

(*e*) Copies of such a report were received by the District Magistrate and Government.

(*f*) (*i*) General allegations of oppression on *mahajans*, landlords and non-*krishak samiti* members.

(*ii*) No.

Mr. NARENDRA KUMAR BASU: With reference to answer (*d*), will the Hon'ble Member be pleased to state if the Government are not publishing the report of those officers because it will be contrary to public interest as usual?

The Hon'ble Sir ROBERT REID: I would not say that so much as that there is nothing much in the report to enlighten the public generally and it was not a report which it was desirable or necessary to publish.

Property of Babu B. P. Roy Chowdhury under Court of Wards.

*2. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the property of Babu Barada Prosanna Roy Chowdhury, of Bhowanipore, Calcutta, is now under the Court of Wards?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) from when has that property come under the management of the Court of Wards; and

(*ii*) who is the present Manager of the estate?

(*c*) Is it a fact that the Manager—

(*i*) was the Manager of a Wards Estate in Rangpur; and

(*ii*) was removed from service?

(*d*) Is it a fact that the Circle Inspector is authorised to settle lands with the tenants?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the number of settlements made by the Circle Inspector; and

(*ii*) in how many cases such settlements have been disapproved by the authorities?

(*f*) Is it a fact that Lot No. 24 Raidighi, in the *mudafat* of Satyapani Dasi, comprising 117 *bighas* of land, was made *khas* by the Wards Estate and was announced by the beat of drums for resettlements?

(*g*) Is it a fact that the Circle Inspector in the presence of the Sub-Deputy Collector, Wards Estate, and several *naibs*, *tahsildars* and others accepted the highest bidder Srimati Nihar Bala Mandal, wife of Babu Rangalal Mandal, and Srimati Sunitibala Haldar, wife of Srijut Sarada Prasad Haldar, pleader, Diamond Harbour, at Rs. 20 per *bigha* by *salami* and Rs. 2 rental per *bigha*?

(*h*) Is it a fact that after the property was made *khas*, the under-tenants cultivated these lands without any rent?

(*i*) Is it a fact that the same land was settled after the fresh bid at Rs. 7 per *bigha* and at a rental of Rs. 2 after 4 months of the original bid at Rs. 20 without any notice to the first bidder?

(*j*) Is the Hon'ble Member aware that against this several petitions were made to the District Magistrate and the Commissioner of the Division on proper stamps, to which even no order was made for the last six months?

(*k*) Will the Hon'ble Member be pleased to state who is responsible for these irregularities and loss sustained by the parties?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) (*i*) 1st August, 1930.

(*ii*) Babu Baikuntha Chandra Sen.

(*c*) (*i*) Yes.

(*ii*) No.

(*d*) No.

(*e*) (*i*) and (*ii*) Do not arise.

(*f*) Two separate holdings situated in lot No. 24 Raidighi in the *mudafat* of Satyanami Dasi (and not Satyapani Dasi) with a total area of 121 *bighas* 1 *katta* and 10 *chittacks* were advertised for settlement.

(*g*) No. The Circle Officer had no authority to accept any bid. He only submitted proposals for resettlement at a total annual rent of Rs. 204-15-5 with Srimatis Niharbala Mandal and Sunitibala Haldar. The rate of *salami* proposed to be realised in eight-yearly instalments was Rs. 19 a *bigha* in one case and Rs. 24 a *bigha* in the other. Government have no information whether the other officers mentioned were present at the bid.

(*h*) Yes.

(*i*) The under-tenants who have been recorded in the record-of-rights as having occupancy rights and have not surrendered their interests filed certain objections and it was considered desirable to hold a fresh bid. This was done 2 months and 19 days after the first bid after due notice to all concerned including the first bidders. The highest bid, that of the under-tenants, was accepted and the land settled with them at an annual rent of Rs. 242 and at *salami*, to be paid in full before the settlement was confirmed, at the rate of Rs. 8 a *bigha*.

(*j*) Some petitions were received and duly considered by the Commissioner when approving the settlement.

(*k*) There was no irregularity and no loss was caused to anybody.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state if he is aware that for the land that was first bid a deposit of Rs. 250 was taken?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir.

Mr. P. BANERJI: May I know whether a petition was sent to the Commissioner and whether the Commissioner up till now has given no order on that application?

The Hon'ble Sir BROJENDRA LAL MITTER: I have no knowledge of it.

Mr. P. BANERJI: In view of the fact that the money has not yet been refunded, does the Hon'ble Member consider that there has been a loss to the parties concerned?

Mr. PRESIDENT: I am afraid I cannot allow that question.

Mr. P. BANERJI: With reference to answer (*k*) the Hon'ble Member replied that no loss was caused to anybody, but my information is that these persons have lost Rs. 250 as the money has not yet been refunded. Am I not right in assuming that that money is still with the Court of Wards and has not been refunded?

Mr. PRESIDENT: The Hon'ble Member has already said that he has no knowledge of it.

Mr. P. BANERJI: With reference to answer (*g*) that Government have no information whether the other officers mentioned were present at the bid, will the Hon'ble Member be pleased to let us know what was the basis on which that statement has been made when it has been definitely brought to the notice of Government that the Sub-Deputy Collector was present at the bid?

The Hon'ble Sir BROJENDRA LAL MITTER: That is the report which Government received from the local officers.

Terrorist activities in the Midnapore district.

*3. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that the Suppression of Terrorist Outrages Act has been enforced for more than two years in the Midnapore district; and

(*ii*) whether any act of terrorism has been committed in the district after the enforcement of the Act?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state the number and nature of the acts.

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) whether the acts of terrorism were confined to Midnapore town only; or

(*ii*) whether they concerned Contai, Tamluk, Ghatal and Jhargram, subdivisional towns also?

(*d*) If the answer to (*c*) (*ii*) is in the negative, will the Hon'ble Member be pleased to state the reasons why these towns have been put under the ban?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) Yes: since 19th January, 1933.

(*ii*) Yes.

(*b*) and (*c*) The District Magistrate was assassinated in Midnapore town on the 2nd September, 1933, and investigation showed widespread ramifications of the terrorist organisation which extended to Kharagpur, Contai, Tamluk and Ghatal.

(*d*) Does not arise.

Mr. P. BANERJI: With reference to answer (*b*) and (*c*) will the Hon'ble Member be pleased to state whether there has been any act of terrorism in the subdivisions mentioned?

The Hon'ble Sir ROBERT REID: I did not say that there was an act of terrorism, but I said that there were widespread ramifications of the terrorist conspiracy in those subdivisions.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether there has been any improvement in the situation as a result of the enforcement of this Act?

The Hon'ble Sir ROBERT REID: Yes, Sir.

Mr. SHANTI SHEKHARESWAR RAY: In view of the fact that there has been an improvement, is the Hon'ble Member prepared to withdraw the operation of the Act from the district at an early date on account of the hardship caused to the public at large?

The Hon'ble Sir ROBERT REID: No, Sir, not at an early date.

Penalisation for arrears of rent in Tamluk.

*4. **MUNINDRA DEB RAI MAHASAI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that several persons in the Tamluk subdivision in the Midnapore district were served with orders by the Khas Mahal Officer for appearing before him on certain fixed dates for payment of arrears of rent; and

(*ii*) that some of these have been brought under the purview of section 174, Indian Penal Code, for non-compliance of orders as fixed by the Court?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) how many persons have been served with orders;

(*ii*) how many persons have been defaulters;

(*iii*) how many have been criminally proceeded against under section 174, Indian Penal Code; and

(*iv*) how many have been fined or otherwise penalised?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Yes.

(*ii*) Yes. The procedure was incorrect and the result of a *bona fide* misunderstanding of the law by the trying Magistrate. Instructions have been given to ensure that the error is not repeated.

(*b*) (*i*) 161.

(*ii*) 63.

(*iii*) 5.

(*iv*) 1.

Annual revenue and cesses from the Patiladah pargana.

*5. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total amount of annual revenue to be paid to Government by the landlords (having permanent settlement) for the *pargana* Patiladah in the district of Mymensingh;

(*ii*) the total amount of annual road cess to be paid by them to the district board for the said *pargana*;

(*iii*) the total amount of annual rents realisable by them from their *raiyats* and tenure-holders, if any, in the said *pargana*; and

(*iv*) the total amount of annual road cess realisable by them from their *raiyats* and tenure-holders, if any, in the said *pargana*?

The Hon'ble Sir BROJENDRA LAL MITTER: The land revenue and cesses for the estates comprised in *pargana* Patiladah which lies in the districts of Mymensingh and Rangpur are—

(*i*) Rs. 40,649-9.

(*ii*) Rs. 72,727-13-3.

(*iii*) and (*iv*) The information is not available.

Maulvi ABDUL HAKIM: May I know, Sir, what is the source of information with respect to answers (1) and (2) of the question?

Mr. J. B. KINDERSLEY: The source of information with regard to (1) and (2) are the *tauzi* ledger from the Collectorate.

Maulvi ABDUL HAKIM: Is it not a fact that annual rents and annual road cesses realisable from the tenants are given in the settlement *khatians*?

Mr. J. B. KINDERSLEY: They are recorded in the record-of-rights.

Maulvi ABDUL HAKIM: Is it not possible that the information required for answers (3) and (4) may also be gathered from the settlement *khatians*?

Mr. J. B. KINDERSLEY: It is not possible except at great expense and labour.

Rents of khas mahals and temporarily settled estates in each district of Bengal.

*6. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing, district by district, in Bengal—

(*i*) the total amount of rents realisable from the *raiyats* and tenure-holders, if any, of all the *khas mahals* and temporarily settled estates;

(*ii*) the annual net demand of Government from all these *khas mahals* and temporarily settled estates excluding the collection cost;

(*iii*) the annual cess realisable from the *raiyats* and tenure-holders, if any, of these *khas mahals* and temporarily settled estates; and

(*iv*) the highest rate of rents realisable from *raiyats* in these *khas mahals* and temporarily settled estates?

(*b*) Do the Government assume the status of a landlord (*zamindar*) in respect of realisation of revenue and rents in the *khas mahals* and temporarily settled estates?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) As regards *khas mahals*, *i.e.*, estates managed direct by Government, the member is referred to Appendix IC of the Annual Report on Land Revenue Administration of Bengal for 1934-35, a copy of which is laid on the Library table. Government have no information regarding the total amount of rent payable by tenants in temporarily settled estates.

(*ii*) The member is referred to Appendices IB (*i*) and (*ii*), IC and VIII of the Report.

(*iii*) Government have no information regarding the amount of cesses annually payable by tenants in temporarily settled estates. For *khas mahals* the member is referred to the figures in Appendix XX(A) of the Report against the entry "Part III—Estates held direct by Government."

(*iv*) Rents of *raiyats* in agricultural areas as high as Rs. 9 and even Rs. 12 per acre are found in *khas mahals* and in temporarily settled estates. Such rents are however payable not direct to Government but to intermediate tenure-holders or proprietors and were fixed by them. Settlement Officers are bound to accept them as fair and equitable under section 104 of the Bengal Tenancy Act even though they are much higher than rents payable by *raiyats* holding direct under Government because the law allows a reduction of *raiyats'* rent to be made only in accordance with section 38 of the Act.

(*b*) Government realise rents direct from tenants in Government estates and temporarily settled estates managed direct.

Babu KHETTER MOHAN RAY: Is it a fact that the rents payable by the *raiyats* in *khas mahals* are settled by the tenure-holders and proprietors and not by the Settlement Officers?

Mr. J. B. KINDERSLEY: The rents of tenants directly under the Government are settled by the Settlement Officer or by the Collector, but the rents of tenants under these direct tenants are originally settled by middlemen and though they can be enhanced under section 104, they can only be reduced in accordance with the provisions of section 38 of the Bengal Tenancy Act.

Babu KHETTER MOHAN RAY: Under section 104 of the Bengal Tenancy Act only revenue is settled and the rents of the *khas mahal* tenants are being settled in accordance with the provisions laid down under section 104.

Mr. PRESIDENT: What is your question?

Babu KHETTER MOHAN RAY: My question is whether the rents of the *raiyats* are revenue within the meaning of section 104?

Dr. NARESH CHANDRA SEN GUPTA: Is it not a fact that at the time of the settlement of land reevenue of those estates the rent rolls are prepared by Government?

Mr. J. B. KINDERSLEY: It is a fact.

Maulvi ABDUL HAKIM: Is it not a fact that rents have been fixed at Rs. 30 per acre in certain areas in Chittagong?

The Hon'ble Sir BROJENDRA LAL MITTER: This is not a question dealing with the point at issue, but this has been dealt with in the subsequent question.

High rate of rents in the Noabad taluks and jotes.

*7. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the highest rate of rents in the *khas mahals* and temporarily settled estates (Noabad *taluks* and *jotes*) in the district of Chittagong is Rs. 30 more or less per acre?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member in charge be pleased to state the reasons for which such exorbitant rate was imposed?

(*c*) What were the reasons for which rents were increased in certain *jotes* or occupancy holdings comprised in these *mahals* or estates, to the extent of three hundred rupees per cent, at the time of the last revisional settlement as expressed by the Hon'ble Revenue Member in his speech in the Council?

(*d*) Is it a fact that special officers have been appointed to reduce the heavy rates of rents in these *mahals* or estates?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state with reasons at what percentage on the existing rents is the reduction to be effected?

(*f*) Did the Government make any temporary remission or reduction of rents in these *mahals* or estates any time since the onset of the economic depression?

(*g*) Is the Hon'ble Member aware that such temporary remission and reduction were made in the Punjab, the United Provinces and some other provinces?

(*h*) Is it a fact that many *taluks* and *jotes* in these *mahals* and estates were sold in auction for arrears of rent since the onset of the economic depression?

(*i*) Will the Hon'ble Member be pleased to state whether these *taluks* and *jotes* were resettled with a third party?

(*j*) If the answer to (*i*) is in the affirmative, what was the nature of the resettlement (*barga* on *raiyati* settlement)?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) With the exception of *taluks* and *jotes* within the Chittagong Municipal area no rent was fixed for a *taluk* or *jote* as high as Rs. 30 per acre.

The average rate of rent in *jotes* is from Rs. 2-4 to Rs. 3-2 varying with the locality.

The average rate of rent in *taluks* is below Rs. 3 and in every case is lower than that of the *raiyats*.

(*b*) The rate of rent in *taluks* or *jotes* in Chittagong Municipal area was fixed in consideration of the letting value of land in the locality.

(*c*) Outside the municipality such enhancements were very rare.

Without examining each such individual case, it is impossible to give reasons why the rent of any *jote* or occupancy holding was so increased. The reason would be either an increase in area or a change in the classification of the land.

In *taluks* such enhancements were occasionally made and were in every case due to the fact that the rents at which the *talukdars* had settled the lands with their *raiyats* were such as to raise the assets of the *taluk* by 300 to 400 per cent. The contractual rents had to be maintained as the *talukdars* would not agree to reduction and the Settlement Officer is powerless to reduce rents otherwise than under section 38 of the Bengal Tenancy Act without the landlords' consent.

(*d*) Yes.

(*e*) There is no fixed percentage. Every case is being considered on its merits.

(*f*) to (*h*) Yes.

(*i*) The existing under-tenants in most cases became the direct tenants of Government.

(*j*) *Raiyati*.

Maulvi ABDUL HAKIM: With regard to answer (*a*), may I know whether the *taluks* and *jotes* within the Chittagong municipal area are all agricultural lands?

The Hon'ble Sir BROJENDRA LAL MITTER: There may be a few small portions which are agricultural, but the majority of them are non-agricultural.

Haji Badi Ahmed Chowdhury put a few questions in Bengali, the following being an English translation of those questions:—

Haji BADI AHMED CHOWDHURY: Are the remissions allowed in Chittagong being granted to *zemindars* and *talukdars* alone or to petty cultivators as well?

Mr. J. B. KINDERSLEY: Only direct to the tenants of Government.

Haji BADI AHMED CHOWDHURY: While investigating about *mahals*, are the holdings of the cultivators who are the backbone of the country and who pay a rental below Rs. 10 taken into consideration?

The Hon'ble Sir BROJENDRA LAL MITTER: I want notice.

Haji BADI AHMED CHOWDHURY: Whether Government would consider the cases of *mahals* with rentals below Rs. 10 and grant remissions in their cases?

The Hon'ble Sir BROJENDRA LAL MITTER: I have answered to-day and also on various occasions that each case would be considered on its merits if it deserved remission.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

House searches in the Dorua village (Contai).

1. MUNINDRA DEB RAI MAHASAI: (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that the houses of Babu Parameswar Maity and Sudhir Chandra Das, of Dorua village in the Contai thana, were searched by the police on the 24th October, 1935, at 3-30 a.m.; and

(*ii*) that the police scaled the outer wall of the house and came before the sleeping chamber and began to kick the door violently?

(*b*) Is the Hon'ble Member considering the desirability of enquiring into the matter and of putting a stop to such actions in future?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) The houses were searched between the hours of 5-30 a.m. and 9 a.m. on the 24th October, 1935.

(*ii*) As the occupants of the house were asleep, the police had to scale the outer wall and knock at the door of the bedroom to wake them up. The door was not kicked violently and no damage was caused.

(*b*) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether the door was actually broken open?

The Hon'ble Sir ROBERT REID: I said nothing of the sort as Mr. Banerji says.

Annual road cess in Mymensingh.

2. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state separately—

(*i*) the amount of annual road cess payable to the Mymensingh District Board from the permanently settled estates, from the *khas mahals* and from the temporarily settled estates in the district; and

(*ii*) the total amount approximately of annual road cess to be realised by the landlords of the permanently settled estates of the Mymensingh district from all classes of tenure-holders and *raiyats* under them?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) Rs. 6,84,775 from permanently settled estates and temporarily settled estates settled with proprietors.

Rs. 3,620 in respect of *khas mahals* including temporarily settled estates settled with farmers or held *khas*.

(*ii*) The information is not available.

Annual road cess due to district boards and landlords in Bengal.

3. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing, district by district, in Bengal—

(*i*) the amounts of annual road cess payable to each District Board by the landlords of the permanently settled estates;

(*ii*) the amounts of annual road cess payable to each District Board from the *khas mahals* and temporarily settled estates; and

(*iii*) the amounts of annual road cess realisable by the landlords of the permanently settled estates from all classes of tenure-holders and *raiyats* under them?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) to (*iii*) The information is not readily available in the form required. But information of this nature is given in Appendices XX and XXA of the Land Revenue Administration Report.

NON-OFFICIAL MEMBERS' BUSINESS

RESOLUTIONS

on matters of general public interest.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that this Council recommends to the Government to introduce legislation fixing minimum prices for agricultural products, jute and paddy with a view to improve the economic condition of the people.

Sir, in moving the resolution standing in my name, I beg to submit that on 22nd August, 1935, I said in connection with the allotment of 16 lakhs of rupees which the India Government made a gift to us, that all the 16 lakhs should have been spent for the better marketing of our agricultural products. I also said on that occasion that England and other civilised Governments of Europe and America have by law fixed the minimum prices of their agricultural products and all these legislations were certainly meant for the benefit of the people of those countries.

To-day I again beg to suggest that the minimum prices of jute and paddy, the two of our chief agricultural products, should be fixed by law.

It is primarily meant for the relief of our agricultural people who, according to His Excellency the Governor, form the 70 per cent. of our total population. I deliberately use the term "relief," because this 70 per cent. of our population have for the last few years been passing through great economic depression on account of abnormally low prices of jute and paddy. Everybody knows it, and I hope feels it.

If the prices of our agricultural products are raised, the benefit will not come to the 70 per cent. only; the remaining 30 per cent. of our population will also be indirectly benefited by it, because the agriculturists do not live in a separate compartment of the nation as an isolated unit.

Fixing the minimum prices by law is a measure which is of late much in vogue in the civilised Governments I have already referred to.

There may be an opposition to my suggestion on the ground of economic theories and free trade, etc., and the controversy may lead us to a fruitless discussion of an academic nature as it happens in the debating club of schoolboys, but I am prepared to meet the oppositionists not here, because time will not allow it, but elsewhere, if necessary.

Our students of civics and economics might say that the fixing of prices by law will interfere with the equilibrium of demand and supply which in the normal course settles the prices in the markets. It will interfere with the free trade theory and in some cases it may prove injurious to the sellers—I mean the agriculturists. But, Sir, all these arguments of the oppositionists are based not on the facts and experiences of our modern situation, but they are based on merely undigested school-book theories, which I make bold to say have no application to our present circumstances, when we clearly see that the buyers of our agricultural products combine themselves to reduce the prices of our agricultural crops even at times much below the cost of their production.

When I referred to the activities of the civilised Governments of Europe and America in this connection, I did not forget that in the sister provinces of Berar and Bombay such a measure in connection with cotton has already been adopted, and it stands to the discredit of the Bengal Government that we have not yet followed the other provinces, though it was expected that Bengal should have taken a lead in the matter, because the suggestions to this effect have already come and are coming from very authoritative quarters:—

(*a*) The Bengal Banking Enquiry Committee which considered this question with special reference to Bengal strongly recommended a relief to the agriculturists in the matter of marketing of agricultural crops with the end in view to raise the prices of agricultural crops.

(*b*) The Royal Commission on Agriculture in India under the Chairmanship of the Marquis of Linlithgow, our coming Viceroy, have elaborately dealt with this aspect of our economic problem. The Commission have strongly recommended for regulated markets. In paragraph 329 of their report, they say: "We entirely approve of the principle underlying the Berar system of regulated markets and of the very desirable improvements in that system which will be effected by the Bombay legislation, and we recommend that similar markets should be established in other provinces. The Berar markets, however, almost exclusively transact in cotton and the Bombay legislation definitely limits them to that point. The first question which, therefore, arises for consideration is the necessity for this restriction. The

object of the Bombay legislation, as given in the Statement of Objects and Reasons, is to secure to the cultivator better prices, fairer weighment and freedom from all illegal deductions. If the establishment of regulated markets can secure this in respect of cotton, it can do so equally well in respect of other products. We, therefore, recommend that the system of regulated markets should be extended to products other than cotton (pages 390-391). We recommend establishment of regulated markets for the consideration of other provinces on the Berar system as modified by Bombay legislation."

(c) His Excellency the Governor in his speech delivered on the 30th November, 1933, was pleased to make a valuable observation which I beg to quote as follows:—

"It is on agriculture—our staple industry—that we must concentrate, raise the economic status of the agriculturists who constitute nearly 70 per cent. of the entire population, and other things will follow—industrial prosperity, healthy trade condition, the development of primary education—a great extension and scope for unemployment of youth of the middle class—with it all—an easing of budgetary position."

(d) Save and except these official views, there is a strong public opinion in the country which clearly and distinctly suggests to put pressure on the Government to increase the prices of agricultural crops without any further delay.

The case being so, I most respectfully suggest that the Government will lose no time to give effect to the recommendations I have already referred to.

Sir, I am not unmindful of the difficulties of such a legislation. I know what the oppositionists may say.

Paddy: So far as rice is concerned, we already produce less and consume 1¼ million tons more than what we produce. But there are other complexities—in spite of our less production Bengal exports 1½ million tons of rice every year. And the deficit is met by import from Burma. This is the situation and everybody knows it.

But if we fix the minimum price by law, I do not see where the difficulty is. The prices will automatically adjust themselves after the minimum price is fixed. We need not be overanxious for Burma which is already separated. Japanese competition is staring our face. The fixing of the minimum price for rice will give a stimulus to improved cultivation with manures, etc., and will bring in 2 to 3 million acres of additional land which, I am sure, will meet the exigency of the situation. We have got to move, and I pray for State control, so that we may move with safeguards. If jute prices are raised, there will be

no harm to the agriculturists if the prices of rice go up a little. I suggest to fix the lowest possible price of rice and to give it a trial as an experiment.

Jute: With regard to jute, I respectfully submit that the Government has got to take courage in both hands, because, not the welfare, but the very existence of our agriculturists demand it. The bogey of substitute crops has long detained us. The formidable powers of the mill-owners of jute and their unholy combinations to undersell the jute cultivators is a palpable fact. They are the real terror. Everybody knows it. Is the Government afraid of this terror? I hope not. Voluntary restriction alone cannot solve the problem. Compulsion of some sort is a necessity. The Government interfered in the matter of rural indebtedness. Why should the same Government fight shy of legislation in this matter? Sir, I suggest to fix the minimum price for the most inferior quality of jute for the present as an experiment. Let us start it at once. It won't do any harm to the agriculturists, I am sure. I do not see any "dangerous possibilities" in it. It will at once captivate the imagination of our cultivators. They will think that the Government is in sympathy with them in their present depressed and distressing circumstances. And Sir, would it be pertinent on our part to neglect the weighty and wise suggestions of our coming Viceroy and the present Governor? The suggestions are made for actions certainly. Should we sit idle and only read those suggestions and not put them into practice or translate them in action? The Government is fully conscious of the necessity of such a measure. The earnest activities of the present Government in the matter of agricultural indebtedness, jute restriction propaganda and the Bengal Relief of Indebtedness Bill and the Money-lenders Bill clearly indicate that the Government is rather serious to rearrange and reconstruct the economic aspect of the life of our rural population—I mean the agriculturists. The atmosphere as it seems is surcharged with the idea. I stand to suggest to give it a practical shape by fixing the minimum prices of the two of our agricultural products—I mean jute and paddy—by law which I venture to submit will directly benefit the 70 per cent. and will indirectly benefit the remaining 30 per cent. of the total population of Bengal. With these words, I commend my motion to the acceptance of the House.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I rise to support the resolution that has been so ably moved by my friend Rai Bahadur Satyendra Kumar Das. I know it for a fact that the recommendations he has made are very difficult for Government to accept. But, Sir, I am not thinking of Government. Government have to think of all classes of people, but I have to think only of one class of people and that is the agriculturists. The agriculturists, and with

them the *zemindars* also, are in a most deplorable state now on account of the abnormal fall in the prices of the primary commodities they produce. Everywhere attempts are being made to raise the price of jute and other primary commodities. Our Government is also trying to raise the price, though not in the way suggested by my hon'ble friend. Government by encouraging the voluntary reduction of jute crop has accepted the idea that the condition of the cultivators is such that something ought to be done by them to ameliorate the condition of the poor agricultural tenants. Now, with this accepted idea of their's if they say that they do not think it necessary to go to the length suggested by my friend in his resolution, viz., the fixing of a minimum price for the primary commodities of jute and paddy, I believe they would be belying themselves. The time is such that they must take courage in both hands to move in that direction. I know, Sir, for a fact that there are many people who will be angry if this is done. True it is, but they have made sufficient money by means of this four or five years' depression and if they suffer a little by this legislative action—fixing the minimum price of jute—they should not grudge much. Sir, I am in trade myself, and I know that every depression brings millions into the pockets of middle-men. And I know that this depression is an artificial creation of big men, viz., the middle-men, and every such depression which they create artificially brings in crores and crores of rupees into their pockets. Now, Sir, it may be asked how is it possible for middle-men to create an artificial depression in the trade. Anybody who knows the trade knows full well that things are so shaped that it is practically controlled by two or three persons sitting somewhere either in Calcutta or in Dundee; and these two or three men can either create a depression or give a little money to the producers if they like. So that, Sir, depression is entirely the making of middle-men. I believe this to be a fact that it is because of these depressions that these people prosper. That being so, that being the state of things, I being in tea, can tell you, Sir, that while I was losing two annas per pound, those who were actually distributing my commodity were, according to the report of a committee appointed in England to investigate into the cause of this depression, actually getting eight pence per pound as profit. From this report of that committee one can understand why the money that I was losing was entering the pockets of middle-men. Exactly in the same way the money that these poor tenants are losing is finding its place into the pockets of some of my friends who are interested in jute. I suggest, therefore, that if the plain speaking that is taking place in this House is taken notice of in the Government benches they must recognize that this is really something which they should not brush aside lightly. We are feeling the pinch; the cultivators are actually feeling the pinch of this abnormal depression. They are in such a deplorable state that if some relief is given to them, it will be doing real good to the people of Bengal.

Therefore, I would ask the Government benches to pay heed to this point of view, although I know it for a fact that they are not going to accept this resolution but to oppose it, because I find hat they are already trying to issue whips to get in as many votes as possible. Our case is that the people want some relief from Government. Government say that what little they are doing at present is enough; while, on the contrary, we on behalf of the people say: "No, we do not consider what you are doing to be sufficient. We appreciate what little you are doing, but at the same time what we suggest is that something more should be done, and that more is fixing a minimum price for jute."

Sir, I do not agree with my friend the Rai Bahadur so far as the fixation of a minimum price for paddy is concerned. Paddy is a different proposition, because if we fix up a minimum price for paddy (we are not the only producers of paddy), other countries may reduce their prices of paddy and make our position more hopeless. But in the case of jute, which is our monopoly, I think we must do something, and if my friends in the Treasury benches be a little generous, they can with their ample resources so devise things that they can allow of all of us living in the country in a better way; not that our position will improve all at once thereby or that we should have an abundance of wealth, but it will allow us to live and enjoy and have little comforts. Why do you deny these small comforts? Therefore, in the name of humanity and in the name of God, I appeal to you to consider this suggestion. People are actually dying for want of money and not for want of food. They have to pay their land revenue and everything else. That being the case, please be a little generous to them. Do not think that we are exaggerating matters in any way. We are actually voicing the opinion of the masses. People are approaching Government officials, the Governor and everybody for relief. And we are simply voicing their opinion. So, you must not consider that we are exaggerating things here. I appeal to you not to look at this thing in a spirit of hostility, but as a humble supplication from us that you should try your best to give some relief to the poor people of my country. They want a little food from you, and I hope you will not deny this. With this prayer I appeal to Government not to brush aside this urgent but simple request of my friend Rai Bahadur Satyendra Kumar Das, but to think over the matter very, very seriously and to see their way to accept it. With these few words, Sir, I partially support the resolution before this House.

Mr. SARAT KUMAR ROY: Sir, I am glad to say that I fully agree with the mover of the resolution so far, that for improving the economic situation in this province some steps should be taken by the Government for raising the prices of agricultural produce of Bengal.

We are all suffering heavily because the prices of our agricultural produce are extremely low and we would be much relieved if they rise. Any activity on the part of the Government in this direction would be always welcome.

Sir, we all know the result of the activities made by the Local Government last year for restricting the cultivation of jute and raising its price. Undoubtedly their endeavours have borne fruit. The prices have risen and people have got some relief. Indeed, Sir, we are thankful to the members of the Government who were responsible for it.

But, Sir, I think restriction of cultivation of a particular crop is quite a different thing from fixing a minimum selling price for it and the latter unquestionably involves the solution of very complicated problems. So, Sir, I regret I cannot whole-heartely support the contention of the mover of this resolution, that fixing by legislative measures the minimum prices for produce such as jute and paddy, is at all practicable or that it would bring forth the desired result. Besides, Sir, I may tell you that already an attempt has been made in this direction by the India Government in respect of the sugarcane cultivation. The question as to whether the provisions of the Indian Sugarcane Act, 1934, should be extended to Bengal, is still under consideration of the Government of Bengal. I think, we should wait till the report of the committee appointed to consider this aspect of the question is published, as opinions are divergent on the advisability of extending the provisions of that Act to Bengal.

Then, Sir, I think, what is possible for sugarcane is not possible for paddy or rice. Restricting the price of paddy or rice is a serious question. Restriction of its produce is a still more serious question. It is well known that the total produce of paddy in Bengal is insufficient for meeting the total consumption made by the population of Bengal. Therefore, it is imperative that paddy or rice must be imported from outside Bengal. All that is possible is to regulate such import of rice from outside in such a manner that the price of Bengal rice may not be dumped by heavy imports from outside. I, therefore, suggest that a recommendation be made to the Local Government to adopt measures that may lead to regulating of the imports of rice into Bengal so as to keep its price level sufficiently high to secure for the growers and the millers of rice in Bengal a fair margin of profits.

Dr. NARESH CHANDRA SEN GUPTA: As a rule, I am not in favour of tinkering measures of the sort which has been proposed by the mover of this resolution. Having regard to the fact that the prices of agricultural commodities have gone down ruinously owing to causes which are perhaps 20 per cent. natural and 80 per cent. artificial, it is perfectly natural for us to think of something drastic in the way of fixation of prices. That sort of thing has been done in other places also. But

the true remedy for this situation does not lie in such small measures, as I have had occasion to say more than once in this Council and outside. The true remedy for it lies in an elaborate and organised attempt to reorganise the agricultural economics of the country. But whenever we have made a proposal of that sort, we have been met with stolid resistance from the Government and from the vested interests. Even such a small scheme as compulsory regulation of the great money crop of Bengal was met with strongest opposition from all sides, though some of those who opposed it have since come to see great virtues in it. The proposal made by Mr. MacDougall, which has been printed as a part of the Bengal Banking Enquiry Committee's Report, with regard to the regulation of jute cultivation and trade, has been simply pooh-poohed. The numerous suggestions which were made by the Jute Enquiry Committee were simply thrown out, because, forsooth, the members were not unanimous in their recommendations. That is the sort of response which such imaginative schemes for reform of agricultural economics have received. I am always in favour of an organised plan for the regulation of crops and its marketing, but if we cannot have that, this is the least that we can do—to give to the agriculturists a guarantee that there shall be a minimum price at which his crops will be sold. I know, Sir, that there are arguments against it. We have already heard something of that, and we are expecting to hear more here. It may be said, for instance, that even with a minimum price, you cannot have the guarantee that the agriculturists will get all that value for all his crop. For instance, the *mahajan* and the capitalist, who hold the whip hand, will say: "At this price I am not going to purchase more than five maunds from you; you may have ten maunds but I am not going to take more than five." The poor agriculturist who has ten maunds to sell would then have no option but to leave his extra five maunds with the *mahajan* for nothing. It has also been said that jute and rice are not in the same category with sugarcane, the price of which has recently been sought to be regulated, because sugarcane is not a commodity the sale and purchase of which can be delayed. It is a very perishable commodity, whereas jute and rice are not so. Therefore, the purchaser of jute and rice can spread out his purchase all through the year, while the producer must rush to the market for money, whereas in the case of sugarcane, the purchaser as well as the producer must buy and sell within the limited period. No doubt, there is some difference. But if there is a fixed minimum price at which the purchaser shall have to buy, no matter at what time of the year he buys, and I must assume that side by side with the fixation of a minimum price there must be a regulated production of the crop so that there is no glut in the market, if the two things go together, no amount of combination of capitalists can possibly bring down the price below the legislative minimum. Therefore, Sir, the difficulties which have been put forward——

Mr. PRESIDENT: Order, order. I am afraid I have to adjourn the Council now. Dr. Sen Gupta may resume his speech when we reassemble after the adjournment.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Dr. NARESH CHANDRA SEN GUPTA: As I started by saying, Sir, if I had the ordering of things, I would not have commenced with fixation of prices. I would first of all have regulation of crops, regulation of marketing, and then fixation of prices side by side. But if the Government would not have that, if they are afraid of the horns of this butting ram and won't let it come straight ahead, I am quite willing to let it come tail foremost. Let them accept the modest proposal of the resolution. Let them fix the prices. If they do so, they will find that in order to make the minimum prices available to the agriculturists, there must be regulated markets, and when they have that side by side, they must have regulation of crops on a systematic basis, not upon the voluntary basis upon which, they say, they have succeeded enormously during a lean year, but on which they cannot possibly rely for securing a steady and organised regulation for ever. As I have said, Sir, these things are necessary. I do not care which comes first, and for that reason and no other, I support the resolution moved by my friend the Rai Bahadur.

Sir, it has been said that we had better wait. We have already heard the voice of caution in the speech of Mr. Sarat Kumar Roy. He says: "Let us wait and see what sort of thing has been done elsewhere; what sugarcane control has produced, and what the recommendation of the Cotton Price Fixation Committee has achieved; let us wait and study." Well, we have studied and studied this question over and over again; commissions have sat and reported upon it; committees have enquired into and reported upon it. And we may go on studying it for ever more, while in the meantime the agricultural population of Bengal will be ruined. Before you find out a just and proper scientific treatment of the disease, they will be extinct. Sir, price regulation is not a thing which we want in normal times. We want it only in extraordinary times—times of great crisis. We have been passing through a great crisis for the last three or four years, and this remedy is directed towards alleviating the sufferings of poor agriculturists during this great crisis. At such a time, the advice to wait is possibly the cruelest and unfairest advice we can give to the Government. What is wanted is prompt and energetic action; extraordinary action it might be, or ordinary; but what is wanted is promptness and firmness in applying the remedy. Once you fix the price, it is not irrevocably fixed. If experience requires it, there will be

time enough to change it, but for the time being, let us go ahead with this proposal; let us go ahead and try; but not go on studying for ever more sitting on piles and piles of reports and blue books, doing nothing.

Mr. P. BANERJI: In rising to support this motion, I beg to differ from those who oppose it. I fail to understand any argument advanced by those opposing the motion. It is an innocent motion, and even if it is accepted by the House, we know what the attitude of the Government would be. My friend Nawab Musharruf Hosain was telling us that Government was going to oppose it. I fail to understand why Government should oppose a resolution of this description. Government have always shown sympathy for the agriculturists recently and if that sympathy is not lip-deep then I must say that Government must support this motion. Government have shown by their action that the jute restriction scheme has not been a succees. We on this side of the House have often said that it is for the Government to come forward with a scheme for compulsory restriction of jute cultivation. But Government would not do it. The next thing is to fix the minimum price: that also Government are reluctant to do. We anticipate that if Government oppose this motion, the logical conclusion would be that all the gestures of Government, I mean their sympathy, are only lip-deep and not genuine.

It has been said by Mr. Sarat Kumar Roy that we must wait and see, and his point has been answered by Dr. Naresh Chandra Sen Gupta. We have waited long, and if we wait further, the result would be that 80 per cent. of the population will die and they won't outlive this depression. You know that in the countryside famine is raging this year in different parts, and although the Hon'ble Minister has said that the price has gone up to Rs. 6, in fact it has not. It may be that only for a couple of weeks the price went up, but it came down very soon and the jute was selling at something like Rs. 3 to Rs. 3-8 per maund with the result that the poor agriculturists—the growers of jute—suffered a lot. The same is the case with paddy. In some of the places this year paddy is selling at Re. 1-8 or Re. 1-9 per maund, but Mr. Sarat Kumar Roy says that it is not possible to fix a price in the case of paddy also. We must in this case wait and see the result. So far as the price of sugarcane is concerned, it has been fixed at annas 5 in Bihar, so it has brought some profit to agriculturists there. Similarly, if the price of paddy is fixed, 80 per cent. of the cultivators will derive some benefit and so says the Nawab Sahib. Therefore, it stands to reason that Government should, in the absence of any proper compulsory restriction in the cultivation of jute for which commodity Bengal has the monopoly, fix the price. It is due to the fear of one particular group that Government are reluctant to do it. But I say that it is

to the interest of that group to keep the cultivators alive. I hope, therefore, there will be no opposition from that group and this resolution will be unanimously accepted.

Rai Bahadur SATYA KINKAR SAHANA: Though the motion of my friend Rai Bahadur Das seems to be for the benefit of the agriculturists and very simple and inoffensive, as Mr. Banerji has characterised it, I personally, an agriculturist and a trader in rice, being the owner of a rice mill, cannot whole-heartedly support it. I could have done this had this motion been moved three years ago. I cannot but consider this motion to be either belated or too early. For the last 4 or 5 years there was a slump in the prices of agricultural produce and these came down to the lowest point. We are just turning the point and the prices of agricultural produce are looking up a bit. If now a minimum price be fixed, perhaps the agriculturists will be very hard hit and it is on that account my friend Mr. Sarat Kumar Roy has suggested that it is better for the Government and for the leaders of the people to wait and see, and I agree with him. At least when we have turned the corner and prices have gone up to a certain extent, then fixing of a minimum price may be thought of. I am sorry I cannot support the motion of my friend Rai Bahadur Das for the reasons stated above.

Maulvi TAMIZUDDIN KHAN: I congratulate my friend the Rai Bahadur, the sponsor of the resolution, on his being favoured by the ballot. The question he has raised is a very important one, and no one can differ from him so far as the object of the resolution is concerned. The object of the resolution is that the prices of agricultural products should be raised with a view to improving the economic condition of the people. If a referendum is taken, it will be seen that the whole of Bengal is unanimous on the point, that the economic condition of the people of Bengal should be improved by all possible means. The only question is how the condition of the people can be improved. The Rai Bahadur suggests a remedy. The question is whether that remedy is a sure remedy or whether that remedy will be an effective or a practical remedy. That is the question of all questions. Now, Sir, the resolution as it stands is this, that the minimum prices should be fixed for all agricultural products, particularly jute and paddy. Now, as regards jute, my friend does not say that the cultivation of jute should be restricted. I cannot see how the minimum price can be fixed without at the same time restricting the cultivation of jute. If prices are fixed by legislation, the cultivation of jute must also be restricted by legislation. Probably it was an oversight on the part of my hon'ble friend not to suggest that, along with the

fixing of minimum price of jute, legislation should also be taken to restrict the cultivation of jute. If my friend agrees with this proposition, I think that the resolution in the form in which it stands cannot be supported. I have already said that I have sympathy with the object of the resolution, but without restriction of cultivation prices cannot be fixed. The result will be disastrous if minimum prices are fixed without restricting cultivation. My friend certainly wants that the price be fixed at such a rate as may leave a reasonable margin of profit to the cultivators. Otherwise, there is no meaning in fixing a minimum price. Of course, if he insists upon a minimum price without reference to any other thing, without reference to the profit of the cultivators, that can be done at a moment's notice. Supposing Government fix the minimum price at Rs. 2 a maund, nobody will be benefited if such a thing is done. The likelihood rather is that prices will come down. My friend does not wish that that should be done and nobody in the House wishes that that should be done. We all wish that the price should be stabilized at such a rate that it will leave some profit to the cultivators. The position then is this: If the Government chose a minimum price, Government will certainly fix such a price as will leave some profit to the cultivators: that price must then be higher than the prices that are in vogue at present in the market. If that is done, the effect will be that the price of jute will go up. The cultivators will in that case fall a prey to the temptation of increasing the cultivation of jute. If cultivation is increased and at the same time the minimum price fixed by Government remains in vogue, the result will be disastrous. The cultivators will not be able to sell all the crops that they will grow. A large proportion of the crop will remain unsold and will bring about sheer disaster to the growers of jute in this country. I, therefore, submit that if prices are to be fixed first of all cultivation should be restricted by legislation. That again raises an important point.

That question was raised long ago on the floor of the House by Dr. Sen Gupta. But his resolution was turned down (A VOICE: It was not a resolution, but a Bill.) It was a Bill introduced by Dr. Sen Gupta. Since the Bill was turned down by the House, the opinion in this country has been veering round the idea of restriction of the cultivation by legislation. Government was in a very difficult position last year when this question was before the public. Government certainly saw the necessity of legislating with a view to restricting the cultivation of jute, but was for various reasons reluctant to go into legislation and chose instead the method of voluntary propaganda by way of inducing cultivators to restrict the area under jute. We have seen that the propaganda aided by the climatic conditions has been successful to a large extent and the prices have gone up this year, and we must admit that there are signs of returning prosperity amongst

the cultivators, although we must say that we are not yet out of the grip of the depression. The question then is whether this is an opportune time to legislate with a view to restricting the area under jute. Government propose that this year also the propaganda for restricting the cultivation of jute should go on. But I am sorry to say that Government this year do not seem to be as energetic as they were during the last year. There seems to be apathy all round this year. That is probably on account of the comparatively high price that has all ready obtained. Last year high officials of Government went on tour to various parts of the country with a view to inducing the people to restrict the cultivation of jute. This year there is nothing of the kind. I submit that if voluntary propaganda is to be successful at all, Government must be vigilant all through. If Government are apathetic and indifferent, I have no doubt that cultivators will again revert to their habits of former years and conditions will very soon prevail which will in no way be better than the conditions that prevailed during the worst days of the depression. I think, Sir, therefore that probably this method of voluntary propaganda will not ultimately help the country. We see that Government which were so very keen last year are not so this year. That shows that there can be no fixed standard of activity in voluntary propaganda. One year they chose to be very active and next year they are inactive and apathetic. Therefore I think something should be done which will be really effective in reducing the cultivation of jute. Without compulsory restriction, there cannot be any fixed standard of reduction. I, therefore, think that Government should now think of legislating with a view to restrict the cultivation of jute. We know there are various difficulties in adopting the method of compulsory restriction. There are various defects in the schemes hitherto suggested, but in spite of these defects and drawbacks, I think the result that will be obtained by compulsory restriction will be ultimately beneficial to the country. I, therefore, think that if the resolution stands as it does on the order book, it cannot be supported on account of the inherent defect in it that there is nothing in it which suggests that cultivation also should be restricted by legislation. Of course, Government can certainly do it, and I have suggested that it should be done, but if we pass the resolution in the form in which it stands, that will only mean that we do not want compulsory restriction of cultivation. Therefore, the resolution cannot be supported in the form in which it stands.

As regards paddy, it has already been pointed out by Nawab Musharruf Hosain that no minimum price can be fixed. One of the reasons put forward by him is that there are other provinces and countries that produce paddy, and if we fix a minimum price here, other countries and provinces may lower their prices, and in that case certainly there will be difficulties. But there are other reasons too. Jute and paddy

do not stand on the same footing. The majority of jute that we produce is exported, and all the money we get for the price of jute we get from abroad. But so far as rice is concerned, we produce less than what we require. All the money that the growers of paddy get for the price of rice they get from their own countrymen. If a minimum price of paddy is fixed, the result will be that the price will go up, and who will be the sufferers? The sufferers will be the consumers of rice, and we know that among the consumers of rice there are a large number of very, very poor people. Even among the cultivators we see that 50 per cent. of them do not produce enough paddy for their own consumption; this 50 per cent. have to purchase the remnant of their requirements from their growers. Besides these cultivators, there are other classes of poor people like the fishermen, artisans, barbers, carpenters and others who do not produce any rice, but purchase it from the market. If the prices of paddy and rice are thus artificially raised, I think the result will be highly prejudicial to the interests of the poor section of the people. Of course, my friend may say that the price of rice was very high once upon a time, but the people did not die then. But my friend, I think, never enquired what these poor people actually suffered in those days. So, that analogy is not at all appropriate. But when the price is raised in the natural course of events, the situation would be somewhat different. When the price of rice rises in the natural course, the wages and prices of other commodities also rise. But if we raise the price of paddy by legislation, that will not necessarily raise the wages of these poor people. Therefore, the result will be disastrous to the poorer section of the community. So, I think the question of fixing the price of rice by legislation is unthinkable.

Rai Bahadur RAM DEV CHOKHANY: Sir, as a matter of principle and as a representative of the business community, I may be expected to oppose this motion, but I am not going to do so. This is a subject which concerns the vital interests of the poorer section of our people, and we cannot any longer refuse them the justice to which they are entitled. We have seen what havoc has been wrought in Bengal on account of the low price of jute during the last three or four years, and it must be partly due to the machination of certain speculators, which is a patent fact to all. I am also of opinion that paddy which is a necessary article of food must also be protected—I mean the people must be protected in that respect also, and I have no misgivings in the matter that my other friends (I mean the European section of the House) will not oppose the motion.

Mr. S. M. BOSE: Sir, I have considerable sympathy with the idea underlying the hon'ble mover's proposal. I have listened carefully

to most of the speeches, but I am afraid I have not been convinced. Of course, the idea is very good—the idea to protect the poor peasants and to give them a fair deal. But the whole question is—Is that practicable? From that point of view I think what my friends Mr. Sarat Kumar Roy and Maulvi Tamizuddin Khan have said is very convincing indeed. As regards the price of jute, it varies from month to month, week to week, day to day, nay from hour to hour. It is impossible for any Government, however wide awake it may be, to fix a minimum price which has to be altered from time to time. The hon'ble mover has said that America has done this. Well, the American Government is, I think, more active and up to date than our Government, and it is impossible to expect our Government to do what is said to have been done in America. Anyway, this attempt for good to fix a minimum price is hopeless. You cannot alter the minimum price easily; that must be done by an Order in Council or some such thing, and it takes time. As regards rice, as my friend Maulvi Tamizuddin Khan has pointed out, it is mostly grown for our own consumption and not for foreign export, and we want cheap rice. The amount of rice grown in India does not seem to be sufficient to meet the demand of the people here, and so some rice has to be imported. The real remedy is to control imports and not to fix a minimum price. For these reasons I am of opinion that the scheme underlying the resolution is impracticable, and I would therefore ask the mover of the motion to withdraw it.

Mr. K. C. RAY CHOWDHURY: Sir, I was listening very patiently to the speech delivered by my friend Maulvi Tamizuddin Khan, and I was really amazed to hear from a representative of the cultivating classes that the higher prices of paddy would injure them. On the contrary, the majority of our people who grow paddy as compared with those who are employed in fishing and shoe-making and similar occupations who are not growers but consumers of paddy here and there will be greatly benefited. You will find that my friend's hypothesis is wrong as it is patent that high prices will benefit the cultivators. As regards Dr. Sen Gupta, he has made a study of the jute business and its cultivation, but nowhere in his minority report on the Jute Enquiry Committee do we find a single word about the fixation of the price of jute. Well, he gave the instance of sugarcane, but he himself admitted that sugarcane and jute stand on a different footing. One is perishable and the other can be stocked. I have not heard a single speech on the economics of this question. In my opinion, to fix the price of jute is almost impossible for the simple reason that jute has got different classifications. Jute is classed as A, B, C and D or what they call R, LR, XLR and so on. You have got to tackle the question of fixing the minimum price of these classes. The standard is not based really on the good quality of the fibres alone, but on mixtures of different grades. There must be an authority, say a Jute Board, to enforce legislation and organise business. I do not think Government have enough

money to spend in this direction. You fix the minimum price and it is the business of the authority to see that the cultivator gets that minimum. If the purchaser refuse to pay the minimum, the authority will have to purchase jute and stock and that will require crores of rupees as capital and the sad experience of co-operative jute sales societies is a warning against such a venture. Even from the labour point of view, I say that fixation of price is not good. Take the case of hessian: its market is abroad; the price is fixed from abroad; you cannot fix its price here. The mill-owners in the past made good money in the price of hessian irrespective of the price of jute. The price of hessian went up when the price of jute had gone down and the mill-owners made huge profits at the expense of jute-growers, hence the suspicion of the public against mill-owners and jute merchants. This sort of thing happened in the past but due to world depression conditions have changed and so far I know price of hessians and sackings have more or less gone up or down according to price of jute in recent years. Therefore, look at it from any point of view—from the economic or any other basic point of view—you will find that it is possible to fix the price of milk whereas you cannot fix the price of jute, for one knows how easily you can fix the standard of milk. When you try to fix the price for jute which is partly baled for export and partly consumed in local mills and which has so many classes, you cannot succeed; it is a very complicated business; and it is simply not possible unless you have large ramifications throughout the country. It may be said: "Leave the higher grades of jute aside; let us simply fix the price of the lowest grade." In that case what will happen? If you fix a price for the lowest grades of jute—of what are called *rejections*—then the price of the top grades will begin to decline, for the jute-growers will say: "What is the use of growing a thing whose price fluctuates? Let us rather stick to the lowest grades." The result will be that the quality of jute will suffer. There are, also, a hundred and one other things to consider. So, I oppose the resolution.

Maulvi ABDUL HAMID SHAH spoke in Bengali opposing the resolution, the following being an English translation of his speech:—

Mr. President, Sir, the real purport of the cut motion of Mr. Tamizuddin Khan has been to increase the income of the Land Revenue Department as far as possible and one way to this end, as he has pointed out, is to abolish the permanent settlement and to acquire all the *zemindary* estates by the State. But my hon'ble friend Mr. Sarat Kumar Roy has remarked in his speech that the only purpose of a group of tenants' representatives has been to abolish the permanent settlement by hook or crook and this group opines that this step will bring panacea to all the miseries of the tenants. But as an ex-President of the All-Bengal Tenants' Association and as a representative of the Mymensingh district where more than 50 lakhs of tenants live, I beg to submit that

the *raiyats* believe that the abolition of the permanent settlement will be beneficial not only to the cultivating tenants of Bengal but the *zemindars* will also be benefited equally. The simple transfer of the *zemindaries* from the private hands to the Government will not lead to the reduction of land revenue. The Government will not be very eager to reduce the rents, as is sufficiently obvious from the land revenue settlements of *khas mahals*. But for the sake of truth, I must say that as on the one hand the holdings of the tenants are being put on sale because they cannot pay the revenue from the sale proceeds of their crops after meeting their cultivation and family expenses, so on the other, the *zemindaries* are being sold out for non-payment of Government revenue, though it is to be remembered that they are to pay only three crores to the Government on the whole, while they are realising from the tenants more than 12 crores. It is common knowledge that during the last two years the Government had to purchase many *zemindaries* and *talukdari* estates from sales for a nominal value of one rupee because there were no bidders at all. The *zemindars* will breathe a sigh of great relief if they can anyhow hand over their estates to the Court of Wards.

Under these circumstances if the Government acquire the *zemindary* states by abolishing permanent settlement according to the proposal of Mr. Tamizuddin Khan, all the three parties—the *zemindars*, the tenants and the Government—will gain thereby. This measure will make both the Government and the *zemindars* better off and the Government will have funds to undertake the nation-building activities on a larger scale. My friend Mr. Khan has compared the meagre land revenues of Bengal with the considerably higher revenues of Bombay and Madras and wants to increase Bengal's revenue to the level of these provinces by abolishing the permanent settlement and by acquirement of the *zemindaries* by the State. As far as I remember, a similar proposal was put forward by the *zemindars*, and this was given wide publicity in the papers. Though I could not give you the details of that proposal, I think most of the members of this House are aware of that fact.

To conclude, I beg to submit for the information of Mr. Sarat Kumar Roy and other members of the landed aristrocracy, that towards the beginning of this tenants' movement, though some members strongly condemned this permanent settlement and in consequence the *zemindars* thought that the principal aim of this movement was the annihiliation of the landlord class, still this has not been and is not its real aim. The real purpose has been to provide for this harmonious betterment of the tenants' and landlords' economic condition. And exactly for that very reason I support the motion of Mr. Tamizuddin Khan whose purpose is to abolish the permanent settlement and the acquirement of the *zemindary* estates by the Government.

Babu KISHORI MOHAN CHAUDHURI: Sir, I am really sorry that there has been some opposition to this beneficent resolution brought forward by my friend Rai Bahadur Satyendra Kumar Das. Sir, the agriculturists of this province are hard pressed, and if they are to be protected, how can their condition be improved? The suggestion made in the resolution is the only remedy, I think, by which their income can be raised to a certain extent. If Government fixed a minimum price, then foreign competition would not be able to crush these cultivators by offering their commodities at a low price. If the price is raised, the market will be controlled accordingly and their condition will be improved. In Bihar jute and sugar-mills are paying five annas per maund, while in Bengal it is only four annas per maund. If, Sir, in Bihar they can grant a higher price, it must be to their credit that there is some chance of their not being losers by giving that price. I think, Bengal, too, can easily do that. Jute is a commodity which, of course, goes outside, and we must see that we get as much price as possible for it. If the price of jute is raised to a certain extent, therefore, it will not remain unsold, and I do not see any reason why the cultivators should not be allowed to get that benefit, which is absolutely necessary for their protection.

As regards price, though jute is sent abroad, there are people who can easily pay something more and in that case the labourers as well as other persons will be able to demand higher price for their labour and will be compensated in this way. So I see no difficulty about fixing a minimum price for jute. But the most important thing to consider in this connection is whether the agriculturists are really in need of some relief, and if so, in what way that relief can be given. The only relief to my mind is to fix a price which will be commensurate to their needs. And when there is a great demand for money, we should see that the cultivators may not lose everything and be obliged to sell away everything to meet their immediate demands and then die of starvation or be unable to pay their rents to the *zemindars* and their debts to the *mahajans* to meet their ordinary demands. When Government want money, they impose taxation. And what is the effect of that, Sir? On account of new taxation the price of the commodity which is taxed is raised; here also if the cultivators are in need of some relief, how can you give them the relief? Government must see that they should get the real price and they should also control the market, so that foreign traders may not injure them in any way. This is the only way, I believe, of helping them. It is absolutely necessary to do something in the matter, and therefore I wholeheartedly support the resolution which my friend has brought forward.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, I admire the keenness and sincerity of purpose of the Rai Bahadur in moving the resolution; and I fully share his sympathy for the

agricultural population of the country. At the same time, I can assure the House that Government are not unmindful of the great importance of improving the material condition of the people and indeed all their measures of economic relief have been designed to attain that object.

Turning to the specific recommendation for fixing the minimum prices of jute and paddy with the object of improving the economic condition of the people, I may point out at the outset that a study of the comparative prices of jute and paddy for the last five years shows that the prices last year were comparatively more reassuring than those of the three preceding years.

No doubt the Sugarcane Act of 1934 gives power to the Local Government to declare controlled areas to fix a minimum price or minimum prices for the purchase in any controlled area of cane intended for use in any factory and to prohibit in any controlled area the purchase of cane intended for use in any factory otherwise than from the grower or from a person licensed to act as a purchasing agent.

But the analogy from sugarcane does not hold owing to the differences in the conditions under which the various industries work. In the case of sugarcane, the mill-owners are in the position of absolute monopolists who can dictate terms which the producer has no alternative but to accept. There is no other purchaser in the area, and unless the producer can come to a settlement with the mill-owner, he has no other way of disposing of his produce. On the other hand, there is in every market a larger number of buyers of jute resulting in a healthy competition which ordinarily tends to tone up the market. Such legislation would be unthinkable in the case of jute and paddy which are grown on millions of acres and which are marketed on altogether different conditions.

In the case of jute, the question of fixing minimum prices has been discussed in the past, but the methods suggested have been discarded as being wholly impracticable. It is noteworthy that the Jute Committee which was composed of men representing the growers and the trade, and in which this House was also adequately represented, did not, for obvious reasons, recommend this. On the other hand, the report contained a reference to the danger resulting from the progressive elimination of jute sacks for various reasons. This danger will certainly be aggravated by the disorganization of the trade by attempting to enforce a minimum price by legislation. Fixing of minimum prices of jute would at most result in an alteration of existing grades which will not be conducive to benefit to the cultivator. We should, therefore, persevere with the policy of voluntary restriction of the area under jute the underlying object of which is to restore a healthy price level by bringing back to normal the accumulated surplus stocks of jute. This measure is calculated to be in the best interests of the cultivators without the slightest interference with the industry.

As regards the point raised by my friend, Maulvi Tamizuddin Khan, that no jute propaganda is being done this year as well, I may tell the House that Government have already taken up the propaganda in right earnest and that I have myself gone to the interior of some of the districts for this purpose. As a matter of fact, Maulvi Rajib Uddin Tarafder organised a meeting of cultivators a few days ago in the interior of Bogra, and I have had the opportunity of addressing that meeting which was attended by several thousand people. My hon'ble friend and colleague, Khan Bahadur Azizul Haque, also proposes to go out this week-end to the interior of Faridpur, and my friend, Mr. Shahabuddin, is also thinking of going to Mymensingh some time after the present session of the Council. I also propose to go out to some of the jute-growing areas after the session is over.

Turning now to paddy, I would point out that although the total normal area under this crop is ten times that under jute, Bengal is not self-supporting, its production of rice being calculated to be short of the requirements of consumption by about one and a half lakhs of tons annually which is supplemented by imports from Burma. The huge import of Burma rice in the port of Calcutta at the present moment owing to the apprehended failure of the rice crop in certain parts of Western Bengal is illustrative of the extent to which our province is dependent on imported rice in times of scarcity. Bengal being a deficit country, her export of rice to foreign countries is limited, being restricted to varieties of quality and standard. This adds very little to the wealth of the country.

Consequently, the fixing of minimum prices of paddy cannot be expected to ameliorate the economic condition of the people. On the other hand, the results would be very harmful, if not disastrous. It would give a great impetus to importation of foreign, especially Burma, rice and ruin the market for common rice.

The real problem is to improve the export of standard qualities of paddy for which there is a demand in foreign markets. *Patnai* rice is the principal variety, and experiments for the improvement of this variety have already been undertaken by the Bengal Agricultural Department at Chinsura and Bankura with a generous grant of Rs. 1,50,000 from the Imperial Council of Agricultural Research.

It seems to me that the hon'ble mover has not considered the result of his resolution if it is carried to its logical conclusion. Assuming that a minimum price is fixed in the case of jute when it is quite conceivable that a combination of big purchasers might meet the legislation by temporarily stopping its purchase. There is admittedly an over-production of jute in this province, and as the mills carry large stocks of the fibre, the work of the mills will not be affected by such temporary stoppage of supply. On the other hand, the cultivator who

depends on the sale of his jute for meeting his immediate needs will be brought to a most miserable plight, and I hope that the hon'ble mover, as the champion of the welfare of the cultivators, will agree with me that such a state of things is far from being desirable.

An important investigation into the marketing of agricultural produce including paddy in Bengal has also been undertaken by a provincial staff of marketing officers under the guidance and direction of the Agricultural Marketing Adviser to the Government of India. The investigations so far made by this staff have revealed a complexity in the methods of marketing of the innumerable varieties of paddy grown in Bengal, the varying prices at which they are sold and the numerous kinds of weights and measures used. It is hoped that when complete data have been collected, it would be possible to work out a scheme of planned economy.

I venture to hope that having regard to the serious objections to his proposal and in view of my assurance that Government are doing all that can possibly be done to deal with the situation, with the best of their intentions, my friend will be prepared to withdraw his resolution; otherwise, Government must oppose it.

Rai Bahadur SATYENDRA KUMAR DAS: I have closely followed what the Leader of the House has said in reply to my speech, and I have also heard my other colleagues who have spoken on this resolution. I shall first of all refer to what Maulvi Tamizuddin Khan has said. He says that he has every sympathy with the pious wish of my resolution provided I advocate compulsory restriction of jute. I think he did not follow me correctly. In developing my arguments I have already said that compulsory restriction may have to be resorted to. If Government accept the resolution, it will be the duty of the sub-committee to be appointed to look into this question. His apprehensions, therefore, were totally unfounded. As regards the various qualities of jute mentioned by my friend Mr. K. C. Ray Chowdhury, I admit that there are various grades and qualities of jute, but I do not agree with him that this will cause complications. What I want is the fixation of a minimum price for the most inferior quality of jute as an experimental measure. As regards the superior qualities, my proposal is that it will be the duty of the committee to be appointed to make sliding scales in fixing the prices of various types of jute.

Sir, if Government accept the resolution, they can develop the scheme gradually and successfully bring it into operation. As regards the two vital points raised by my hon'ble friend, the Minister in charge, I should like to deal with rice first. I admit that we have to import rice from Burma for our own consumption, but we can avoid this if we give it the same protection as has been given to the sugar industry.

We can also utilise the plots of land which will be released from restricted jute cultivation by planting rice and thus make our province self-supporting. As regards jute restriction, I have already said enough in reply. If Government do not wish to fix a minimum price for jute, it is not possible for me to make them do it, but in the best interest of the country, in the best interests of the rural people, Government should take courage with both hands and give at least partial effect to this resolution. Sir, Government can go against the *mahajans* in passing the Bengal Agricultural Debtors Bill, they can go against the landlords in the matter of rural development, but they are afraid to go against the Clive Street magnates. There, I am sorry to say, Government fight shy of them. With these words, Sir, I commend my resolution to the acceptance of the House.

The motion being put, a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Banerji, Mr. P.
Barma, Babu Premhari.
Bhaudhuri, Babu Kisheri Mohan.
Chakhany, Rai Bahadur Ram Dev.
Chowdhury, Haji Badi Ahmed.
Choudhury, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Hakim, Maulvi Abdul.
Hossain, Nawab Musharruf, Khan Bahadur.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Quasem, Maulvi Abul.
Ray, Mr. Shanti Shekhareswar.
Singha, Babu Kshetra Nath.
Sircar, Dr. Sir Nilratan.
Suhrawardy, Mr. H. S.
Tarafder, Maulvi Rajib Uddin.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Bal, Rai Sahib Lalit Kumar.
Bose, Mr. S. M.
Bas, Babu Gurupresad.
Farequi, the Hon'ble Nawab Sir Mohiuddin, of Bahanpur.
Blakhriel, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Guthrie, Mr. P. S.
Haldar, Mr. S. K.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. B. P.
Homan, Mr. P. T.
Hooper, Mr. R. S.
Jenkins, Mr. W. A.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Kindersley, Mr. J. S.
Miller, Mr. S. G.
Miller, Sir. S. G.
Mitter, the Hon'ble Sir Brojendra Lal.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhyay, Rai Sahib Sarat Chandra.
Nag, Rev. B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Porter, Mr. A. E.
Rahman, Khan Bahadur A. F M. Abder-.
Ray, Raba Nagendra Narayan.
Reid, the Hon'ble Sir Robert.
Rexburgh, Mr. T. J. Y.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Ray Choudhuri, Rai Bahadur Nam Chandra.
Sadatullah, Maulvi Muhammad.
Sahana, Rai Bahadur Satya Kinkar.
Shah, Maulvi Abdul Hamid.
Shahabuddin, the Hon'ble Mr. Khwaja.
Steven, Mr. J. W. S.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Woodhead, the Hon'ble Sir John.

The Ayes being 18 and Noes 45, the motion was lost.

Mr. S. M. BOSE: Sir, may I have your permission to move resolution No. 2 standing in the name of Dr. Jogendra Chandra Chaudhuri?

Mr. PRESIDENT: Yes, as your own.

Mr. S. M. BOSE: I beg to move that this Council recommends to the Government that the grant for primary and secondary education for women be raised immediately by twenty thousand rupees.

The object of this resolution is to focus the attention of the public as well as that of the Government on the vital question of women's education.

People glibly say that women's education is essential for the uplift of the nation. But how many in their heart of hearts realise the truth of this? I suspect that many males have a lingering idea still that women do not need education—that education is bad for them—that if we can spare money after educating boys, then we can take up girls' education. The miserable state of female education is due largely to the apathy of the people which induces apathy on the part of the Government; for we get the government we deserve. Government have to be forced to take action by pressure of persistent and vigorous public opinion, and my object to-day is to focus that public opinion so that Government may be compelled to take more vigorous measures for the spread of education among girls.

It is now too late in the day for anybody to question the necessity of women's education for the uplift of a nation. As a famous Bengali poet and religious reformer said when writing over fifty years ago on this subject: "No nation can ever march on one leg." A nation cannot thrive unless both men and women are educated. A nation's position in the world is judged by the spread of education—the percentage of literates. Among all progressive peoples there is an urge to make men and women cent. per cent. literates. In Russia, 90 per cent. of the people are literate; among the Negroes in America 83·7 per cent., among the Japanese 99 per cent. are literate. It is only about fifty years ago that our national poet sang of the love of freedom, even in barbarous Japan. This barbarous Japan has in 75 years—from 1860 to 1935—achieved this tremendous result. The American Negroes have attained this standard of literacy (83·7 per cent.) in 65 years from 1865 to 1930. In British Bengal 9·3 per cent. of the total population are literate: 15·5 per cent. of the male population, and 2·7 per cent. of the female population are literate. From 1757 to 1931, that is the *tremendous* progress we have made in 175 years. We, the people and the Government, should hang down our heads in shame.

Now let us come to some instructive figures taken from the Repor on Public Instruction in Bengal for 1933-34 which I tabulate below:—

(a) High Schools—69 for girls and 1,152 for boys. Students i High Schools—18,000 girls and 274,000 boys.

(b) Middle Schools—78 for girls and 1,871 for boys. Students— 10,000 girls and 167,000 boys.

(c) Primary Schools—18,200 for girls and 45,400 for boys

Students—496,000 girls, and 1,790,000 boys.

As regards the expenditure during 1933-34, the total amount spent for High, Middle, Primary and Special Schools in Bengal was rupees 2 crores, 41 lakhs and 24 thousand for boys, and only rupees 34 lakhs and 78 thousand for girls.

The amount spent for education of girls is miserably inadequate, and we have recently seen the extraordinary spectacle of Government cutting the grants to some leading High Schools for Girls, to be able to give grants to new Girls' Schools. This is very unsatisfactory and undesirable.

From the facts stated above, it is clear that, compared to boys, girls are being very much neglected. Assuming boys and girls of school-going age to be 15 per cent. of the total male and the female population in Bengal, respectively, there are about 39 lakhs 6 thousand and 250 boys of school-going age and 36 lakhs 10 thousand and 800 girls of that age; thus 60 per cent. of the total number of boys of school-going age are studying in recognised institutions, whereas only 14·6 per cent. of the number of girls of school-going age are undergoing education in similar institutions.

I feel strongly that girls' education is as important as boys (if not more so), and quite as much, if not more, money should be spent on girls' education. In the great educational despatch of 1854, the Directors of the East India Company dwelt on the importance of female education in India and referred with pleasure to the evidence of an increased desire on the part of many Indians to give a good education to their daughters, and they added: "By this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men." "In education, I would give the first place to the education of girls. For the education of a single girl means the uplifting of a whole family in a larger sense than the education of a single man," said Mr. Natarajan, in 1918 (quoted in the Hartog Commission Report).

Further, girls' education is of supreme importance from the point of view of home life. The educated man, rubbing shoulders with others in his daily life, actuated to a larger extent by Western ideas and ideals,

must find in his home a congenial companion. As that is not the case there is, as the Hartog Commission point out (Chapter XIV, paragraph 2), a dualism of Bengal life which is to be attributed primarily to the fact that the women, who made the home and shape thoughts of the rising generation, have, as a rule, no share in the intellectual life of their men, and stand for ideals and modes of thoughts which are often sharply in conflict with those which their men have learnt to entertain. It is highly undesirable that women without education should be in continual conflict and disagreement with their educated husbands, brothers or sons. The rapid breakdown of the joint-family system, and the struggle for life which makes for small family units consisting of husband, wife and children, demand that the wife who is no longer guided and influenced by older and experienced women, should be educated to carry out her duties.

Therefore, for all these reasons the provision of adequate educational facilities for girls is as necessary and as desirable as it is for boys.

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Mr. S. M. BOSE: Sir, we all talk glibly of the advancement of the backward classes. By what logic can we deny the right of advancement to the women of Bengal who form nearly 50 per cent. of its population? Can the inherent right of every Bengali girl to enjoy the privileges of education be denied? We all say that the accident of birth should not debar a man, because he comes from a backward class, from the elementary rights of a citizen. How then can it be maintained that accident of birth should mean that a girl should not enjoy the same privileges as her brother? If boys should receive education to ensure that they should become efficient men and worthy citizens, surely girls should receive education, so that they can play their proper part in building up a better Bengal. At the same time it is obvious that girls must be so trained as to be fitted for the life that lies ahead of them. It follows that their education must not be a slavish imitation of that of the boys, and it must be so regulated that the girls will be trained to meet the many problems that will face them.

Let us examine the matter from another point of view. In Bengal there are nearly 87 thousand villages, and 926·5 per thousand live in villages. It is now keenly realised that the improvement of Bengal means, to a very large extent, the improvement of the health and sanitation of its villages. Most of these villages are unhealthy and people naturally emigrate to towns. This means the further decline of the villages—a vicious circle. It is now keenly felt that the villages must be improved and the conditions of living there bettered, so as to

encourage people to live there. It is the fashion now to talk of rural reconstruction, but I maintain that in this important work, the help of women in the villages is essential. It follows, therefore, that the first thing is that they should be given proper education.

In the present stage of the world's progress, widespread education is regarded as essential for a nation's efficient existence. For the judicious exercise of franchise, for an intelligent struggle for economic advancement, and for the various pursuits for intellectual and æsthetic enjoyment, education is essential.

Education Week, Health Week, the Anti-Tuberculosis Campaign—all such attempts for the improvement of our race are futile unless there is a broad-based and firm foundation of women's education to support such movements. These noble attempts are bound to fail unless they are backed by the women of Bengal trained to receive and work out practically these ideas in their various homes. Health lectures and propaganda, sanitary improvements, home industries and industrial developments in villages—all will be greatly facilitated, if only our women have received the requisite education to help men.

The painfully slow progress of women's education during the 175 years of British rule—2·7 per cent. of women being literate—makes one almost despair of the future One sighs for a Mussolini or a Hitler to rule as a dictator in Bengal for ten years, so that every girl in Bengal will for a period of 5 years at least receive education. At the end of that dictatorship, the mass of women of Bengal will receive the benefit of education and learn its value. It is no use pursuing the mode of women's education now prevalent. Only 7½ per cent. of girls of school-going age ever join a school at all, and that only for a year or two, so that even these girls lapse into illiteracy, and all the money spent on them is entirely wasted. The system and the period of education should be such that there will be *permanent* literacy. The present system is, as I have said, wasteful and totally ineffective.

It is necessary that the people and the Government of Bengal should co-operate, so that a consistent and well-thought-out plan for women's education suited for their special requirements be evolved, and vigorously carried out. There must be mass education for women, so that the number of schools for girls should be greatly increased.

This brings me to the important question of women teachers. For the adequate spread of women's education, there must be a large number of trained women teachers. But at present the number of such teachers is quite insufficient. There are 6,617 women teachers for the High, Middle and Primary Schools, of whom only about 1,000 are trained. It is, therefore, necessary that if we are to have more girls' schools, there must be more women teachers. I draw the attention of

the public and Government to the splendid raw material available for such purpose—the numerous widows of Bengal. There are over 24 lakhs of widows up to the age of 30. They can be easily trained to be women teachers and do a great deal of good for the spread of education amongst their sex, and at the same time earn an independent livelihood.

I appeal to the members of the Council and to the people of Bengal seriously to consider this vital question. If Bengal is to take its rightful place amongst the civilised nations of the world, this all-important matter should be courageously tackled at once. More—a great deal more money—should be immediately spent, so that the percentage of permanent literacy among the women of Bengal may be considerably raised. I ask for more women's education for the sake of the women themselves who form nearly 50 per cent. of the population of Bengal. I ask for more women's education for our own sake so that we may have better and healthier homes. I ask for more women's education for the sake of the uplift of the whole nation, so that Bengalis may attain their rightful place among the most advanced people of the world.

Finally, I ask for more women's education for the benefit of humanity which will gain materially thereby.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I wish to take the earliest opportunity to explain the point of view that I take on this resolution. In so far as the object of my friend is concerned, namely, that there should be more expenditure on education of women, I have the fullest sympathy with it, and I can assure my friend that ever since I have been in office one of the things which have been particularly under my consideration is the question of girls' education in this Presidency. And I may inform my friend that we have already taken steps to ask the Divisional Inspectors and Inspectresses to send us a comprehensive scheme as regards women's education in Bengal. The difficulty in the past had been that we took up projects wherever possible, bit by bit and scrap by scrap, and no attempt has been made hitherto to take a roundabout survey of the province as a whole with the result that in some cases we have given grants for women's education much more than in others. There are places where there is no institution for women's education. We have been very carefully looking into those cases, and I hope very soon we would be able to come up to Government with a comprehensive scheme as regards women's education in Bengal. As a necessary corollary to it, my friend knows that for some time there has been a demand on the part of women in Bengal and outside it that there should be an Advisory Council of Women to deal with the question of women's education. I can assure

my friend that if he will have patience till the budget time, he will find a satisfactory solution of this problem. (A VOICE: How much will be provided?) It is not a question of how much will be provided, but it is a question whether a body is coming into being with a view to advise Government on the question of female education. I think that will be going a good deal ahead, and Government will have ladies to advise them to solve this question. If this body can tackle the situation satisfactorily from the point of view of girls and offer their advice on the matter of girls' education, Government will give its fullest consideration to their opinion; and that body is going to come into existence very soon.

As regards the point raised by my friend in his speech that Government have cut down the grant for women's education, I think my friend has not spoken altogether rightly. The fact is that we realised that the demand for girls' education throughout Bengal is so much and the money at the disposal of Government is so limited that we cannot do much, and we cannot succeed in getting more and more money for this purpose in view of the fact that financial difficulties still prevail in this province and that whatever may be the demands of the public on the Government they could do nothing unless financial conditions improve. We, therefore, had to make the best of a bad bargain, dealing with a not very adequate budget. We tried to find out other means of helping girls' education and we found out that in Calcutta there were any number of girls' schools which were getting, from our point of view at least, quite good grants of money from Government, say, Rs. 1,000 a month, whereas in the mufassal there were many places where they did not get a single rupee, although they were very deserving institutions. We then decided to make a cut in the grants to the Calcutta schools and, accordingly, we approached the authorities of these girls' schools and told them: "Look here; here are schools in the mufassal which are quite deserving of financial help from Government, but which the Government were not in a position to give; will you kindly part with a slice of the grant you get from Government?" And I am very glad to say that this request had a very satisfactory response, and it is as a result of that that we succeeded in getting a little amount of money, Rs. 20 in some places, Rs. 15 in another or Rs. 10 in another, and so on; with this money we were able to give little doles to the deserving mufassal institutions for girls. Now, Sir, if I am charged with having taken away grants from certain institutions under these circumstances, I certainly plead guilty to the charge. But, Sir, what was the position? We were faced with the alternative of giving nothing to the deserving mufassal schools and to seeing Calcutta institutions in possession of money, a part of which at least they could afford to forego. I do not say, of course, that they

are very well off or that they could afford to forego a great deal of their funds, but, comparatively speaking, they were in a position in which they could certainly afford to pay back a little amount for the development of these mufassal institutions, and it is with that view that we approached the Calcutta schools for this help. I shall not mention the names of the schools we approached, but I must say that the very liberal and generous way in which these institutions responded to our request and agreed to the percentage cut with a view to help these mufassal institutions, reflects great credit on them.

We have at present cut out Rs. 50 only out of Rs. 1,000 in some cases, but that cut as I have already stated was made simply with a view to meet the needs of some deserving girls' schools in the mufassal, and this will continue till we are in a position to replenish our financial position. That, Sir, is my explanation of the cuts.

In so far as the next budget is concerned, I shall be able to satisfy my friend, Mr. Bose, that it is not merely a sum of Rs. 20,000, that even in a bad financial year I have succeeded in persuading my hon'ble and esteemed friend and colleague to my left to grant, but a little more than that sum. I must say that I agree with the point of view that girls' education is a great necessity to-day and without disclosing budget secrets I may yet say that in the next budget I have been able to provide at least Rs. 25,000 (recurring) and Rs. 20,000 (non-recurring) for women's education, and I hope this will satisfy even the worst critic that this is not altogether a trifling sum in a difficult financial situation We are fully alive to the needs of girls' education. We are considering a comprehensive scheme for the furtherance of girls' education and an Advisory Council for Women's Education will come into existence very soon, and I hope that, later on, or as soon as possible, or as circumstances permit, we should be able to put in more money for girls' education than we have been able hitherto. I fully agree that girls' education should spread more and more, and I hope that in view of this assurance that I am giving the House to-day, my friend the mover will see his way to withdraw his resolution.

Rai Bahadur SATYA KINKAR SAHANA: Mr. President, Sir, though I find that the resolution moved by my friend, Mr. S. M. Bose, is very useful, and though I endorse every word that has fallen from his lips, quoting chapter and verse, after hearing what has fallen from the Hon'ble Minister, that he has every sympathy with the motion, and that he was going to advance some more money for female education, I should not have got up to speak at all. But I have got just to oil my own machine. The Hon'ble Minister has said that he was going to deal out evenhanded justice to all parts of the province and that he was more careful of the needs of the mufassal than of Calcutta. Sir, I am very sorry that though I have been crying for a High School for

Girls in my district, nothing has been done within the last five years, and it will be surprising to many to learn that in not one district in the Burdwan Division is there a High School for Girls. But I may say that in the small French capital in Bengal there is a Girls' School to which girls from British territory go to get their education. Sir, if the Hon'ble Minister is so very keen on introducing female education in the mufassal, why should he not try to introduce free, compulsory, and primary education for females in the rural areas? Sir, the development of the rural areas is the cry of every Government from the Central to the Provincial. Why should not the Hon'ble Minister try to introduce the Primary Education Act which is sleeping for the last four or five years in a dormant condition? Why does he not introduce primary education and make satisfactory arrangements for the spread of education among girls in the rural areas? Sir, without women's education Bengal is suffering much. Perhaps, I shall be called a dreamer, but I think that because some of the mothers of Bengal are not up to the mark some of our boys are becoming terrorists. If a mother's healthy influence had been on these unfortunate young men, then most probably terrorism would not have crept into their minds. (MR. P. BANERJI: In that case the mothers themselves would have become terrorists.) If proper education is spread in the country among our girls, then I think that Bengal can expect good mothers in another 10 to 20 years. If the future mothers of Bengal are properly educated, then, I think, the future male generations of Bengal will be more reasonable and more manly in nature. But the spread of female education is such that I am afraid that though the poet Rabindra Nath Tagore wrote some 45 years ago to show the disparity between the education of the man and the woman in his poem on মন্ত্র-দম্পতীর প্রেমালাপ (বাসর-শয়নে) I find that the same condition still prevails, which certainly does not bespeak very well of this Government. Already Mr. S. M. Bose has shown that to one girl eight boys are getting educated. Sir, where will those educated boys get their wives, unless they seek them amongst the illiterates? (MR. H. S. SUHRAWARDY: Quite so; quite so.) With educated husbands taking to uneducated wives what sort of domestic lives will the people have? We all know—though I do not hold with those leaders of the women's movement who say that the work of women is to compete with men. I consider that women are to co-operate with men who are the counterparts of women and men to co-operate with women, who, in turn, are their counterparts, for man and woman must combine to make a complete whole. If you want to introduce domestic happiness in the country, you should try to introduce women's education. Unless the women be well and properly educated, you cannot expect to get proper home influences to be brought to bear on the boys and in that case the boys will always be flying off at a tangent—some

becoming idlers and dreamers, some turning out bomb-throwers and terrorists and some indulging in subversive politics. (MR. P. BANERJI: This is not due to mothers' lack of influence, but to misrule.) I think, therefore, that more money should be spent on women's education. I find, Sir, that about Rs. 3 crores is annualy spent on the education of boys, while only Rs. 36 lakhs is spent on the education of girls: so, there is a yawning gulf between these two figures. Does this not show, Sir, that the education of women has been thoroughly neglected in Bengal? Though the assurance of the Hon'ble Minister is very hopeful, yet I would request him to think of introducing free, compulsory, primary education for girls in the rural areas. With these few words, Sir, I wholeheartedly support the resolution.

Mr. NARENDRA KUMAR BASU: Sir, I would not have liked to intervene in this debate especially after the assurance of sympathy given by the Hon'ble Minister to the resolution which, in my estimation, is an ultra-modest one. I do not know why it was at all necessary for the mover of the resolution to lay so much stress on the importance of women's education in Bengal, for I do not think that anybody on any side in this House—not even any one on the Government benches—has ever doubted that women's education is very necessary in Bengal; but the hash of nonsensical arguments that we have heard just now from the last speaker about illiterate mothers producing terrorists and of domestic happiness depending upon the equality of education of husbands and wives makes me get up and protest against this libel against Bengalee mothers uttered by a son of Bengal. Sir, my submission is that it is not education—primary, middle, or collegiate—that makes good mothers. A good mother is born and not made, and any amount of education would not make a good mother and enable her to produce or rear up good sons. That cannot be questioned and I submit that the opinion voiced is perfectly beside the point if I may say so. The real point is that women's education in Bengal has been neglected for many a long year now and nobody can deny that. The question now is only one of the amount that ought to be spent—and that could be spent—in the present depleted financial condition of Bengal. I submit, Sir, the importance of women's education is admitted by everybody, and the sum of Rs. 20,000 mentioned by the hon'ble mover of the resolution is much too modest—much too small. If I were to have my way in these matters, I would certainly say that the amount should be increased at least twenty times. Sir, it is not a question of asking for more and more money so that we may get a slice here and a slice there. The Hon'ble Minister has just told us that he is fully alive to the situation and that he intends to bring forward before this House proposals to spend a sum not of Rs. 20,000, but of about Rs. 50,000 more next year, and

Rs. 25,000 more for every succeeding year. That, Sir, is something like the sum which I would call adequate, and not the pittance asked for by my friend, Mr. Bose. So, in this view of the case I hope my friend, Mr. Bose, will withdraw his resolution.

Mr. S. M. BOSE: Sir, in asking leave of the House to withdraw my resolution, may I mention that the figure of Rs. 20,000 is only a token sum just like a demand for a token grant of Re. 1, with which we are all familiar in this House? Many of my friends have asked me to drop one "nought" from my figure (which should have been Rs. 2,00,000). I could have asked for Rs. 2 lakhs, but, Sir, my figure is in the nature of a gesture and a feeler to test the good-will of Government in this matter. I am very thankful to the Hon'ble Minister for his sympathy for my resolution. We want active, practical sympathy and not merely lip sympathy. I am glad to have the assurance that he is going to give us Rs. 35,000 (recurring) *plus* a non-recurring grant for the next year. I hope he will be able to get this amount and something more out of the hard-hearted Finance Member. (MR. NARENDRA KUMAR BASU: Hard-hearted he is not; although close-fisted he may be.) (Laughter.)

With these few words, Sir, I beg leave of the House to withdraw my resolution.

The resolution was then, by leave of the Council, withdrawn.

Maulvi ABDUL HAMID SHAH: I beg to move that this Council recommends to the Government that immediate steps be taken to give effect to the revised scheme of granting pension to the process-servers as admitted by the Secretary of the Judicial Department in his speech on the floor of this House on the 29th July, 1931.

The member spoke in Bengali in support of his resolution of which the following is an English translation:—

Sir, this is not the first time that this matter has come up before the House. On the resolution of Maulvi Syed Majid Baksh on the 11th August, 1933, it was once more discussed in this House. At that time also, I expressed my humble opinion in support of this. But the Hon'ble Sir John Woodhead, the Finance Member, expressed the inability of the Government to give effect to this measure due to the shortage of fund at the time, though he admitted the necessity and propriety of the case. But it is really regrettable that we are not getting a satisfactory explanation by asking questions, session after session, of the cause of the special shortage of fund of the Government of Bengal for this purpose only. The Government have shown a great liberality in the case of the salaries and pensions of the other Government employees, even in these days of financial stress and strain.

In view of this fact, it is no longer proper for the Government to neglect the demand of these poor process-servers. That their demand has been overdue, is clear from the fact that as many as twenty-four members of this House have, during the last three sessions of the Council, tabled up this particular resolution.

Sir, when the revenues of the Government ran short, a 10 per cent. cut was introduced on the salaries of the Government officers of higher ranks. But after one year, the cut was reduced to 5 per cent. and at the end of the second year, the cut was withdrawn summarily. The excuse of shortage of fund of the Government could not withstand before their strong demand. But these process-servers' case remains unattended, though it is a fact that they are collecting for the Government an amount of Rs. 27 lakhs per annum, in the form of process-fees, custody-fees, and fines levied on them for petty offences; while they themselves are dragging on their miserable existence, with an amount less than Rs. 10 lakhs per year, in the form of their salaries and pensions.

On a rough estimate from the year 1927 to 1934, they have collected for the Government Treasury a net amount of 1 crore 20 lakhs of rupees. Is it not regrettable to think in view of these facts, that the sanctioned scheme of 1929 to increase their pensions was not given effect to, due to the shortage of fund? Should one not like to say, that the lamentations of the poor are not worth any attention here?

Sir, when there was shortage of fund only for five years, to grant commutation to the All-India Services, ten lakhs of rupees were borrowed from the Government of India. There was no stringency of fund felt by the Government of Bengal, when the 5 per cent. cut of the highly-paid employees of the Government was withdrawn. No other establishment under the Government of Bengal produced an extra surplus of one crore and a quarter of rupees during the last few years. The establishment which produced this huge surplus could not increase the rate of their pension from Rs. 4 to Rs. 10, though they lamented for it the last seven long years. Nothing can be more regrettable than this!

Even if their pension is increased, the additional expenditure will remain far short of the huge surplus, which they produce every year. Under the circumstances, it is not at all proper for the Government to remain indifferent to their claims any longer.

In conclusion, I should like to draw the attention of the hon'ble members of this House as also of the Government to the deep sense of disquietude, expressed by the Hon'ble High Court in the Report of the Administration of Civil Justice, for the year 1933, about this excess in the surplus of process-fees realised and with that end in view I have moved the resolution for consideration of the House.

Maulvi RAJIB UDDIN TARAFDER: (The member spoke in Bengali in support of the resolution, the following being an English translation of his speech):—

I have a few words to say in support of the resolution moved by my hon'ble friend, Maulvi Abdul Hamid Shah, regarding the pension of the process-servers, but I am afraid my friends—the hon'ble members present here now—will not get any opportunity to do full justice to the case I put forward, as they seem to be indifferent over the matter. I have been noticing from a long time, that whenever a matter concerning the rich men come forward in this Council Chamber, there is pin-drop silence in the House, as everybody then pays attention to the debate. But it is a matter of deep regret that whenever any matter concerning the poor, the destitute or the oppressed happens to be debated, they never like to join in the discussion.

The mover of this resolution has said, that this particular matter came up for discussion in this House more than once in the past. At the time, Government put it aside on the plea of financial stringency. If at the time of granting lump sums for providing the higly-paid officers of position with pension and commutation, no stringency is felt by the Government, how does this plea arise when the case of pension for these low-paid process-servers is put forward? In my opinion, this is sheer injustice to those who at the risk of their lives, often in the hills and often in the rivers, by dint of their hard labour, earn lakhs and lakhs of rupees as process-fees. This does not suit the fair name of the benign Government of Bengal.

These lowly-paid process-servers, too, have their families to maintain and they have no other means of livelihood. They can hardly make two ends meet while in active service. So it is a pity to imagine what happens to them when they retire in their old age. I had occasion to see some of them, who were compelled to turn out beggars and, I am sure, some of them even die of starvation when unable to go out begging. So, I hope, the Government should no longer remain callous to this question for the good name of humanity.

Adjournment.

The Council adjourned till 3 p.m. on Friday, the 14th February, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 14th February, 1936, at 3 p.m.

Present:

Mr. President (that Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS.

GOVERNMENT BILLS.

The Calcutta Municipal (Amendment) Bill, 1936.

Mr. S. K. Haldar introduced a Bill further to amend the Calcutta Municipal (Amendment) Act, 1923.

The Secretary then read the short title of the Bill.

Mr. S. K. Haldar moved that the said Bill be taken into consideration.

Sir, the Bill is a short and simple one, and its principle was accepted by this House in the last session when the Calcutta Municipal (Second Amendment) Act was passed. The object of that Act which was to restore the franchise to owners of motor vehicles has, however, been more or less stultified by its wording which requires that the tax must be paid "during and in respect of" the specified year. This provision is all right in respect of municipal taxes which are payable quarterly and are seldom, if ever, paid in advance. But the motor vehicles tax has to be paid in advance and is often paid for the whole year. The result has been to exclude from the electoral roll persons who pay the tax annually in March for the following year and enquiries have shown that the number of such persons is very large. The present Bill seeks to remove this anomaly by enfranchising persons who pay the tax in respect of the specified year at any time before the expiration of that year. The only other feature of this Bill is that it confers this

franchise not only for the purpose of the general election to be held this year but also for any by-election that may be subsequently held.

The motion that the Calcutta Municipal (Amendment) Bill, 1936, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was put and agreed to.

Mr. S. K. Haldar moved that the Calcutta Municipal (Amendment) Bill, 1936, as settled in Council, be passed.

The motion that the Calcutta Municipal (Amendment) Bill, 1936, as settled in Council be passed, was then put and agreed to.

The Bengal Water Hyacinth Bill, 1935.

The Hon'ble Nawab Sir MAHIUDDIN FAROQUI, of Ratanpur: Sir, I beg to move that the Bengal Water Hyacinth Bill, 1935, be referred to a Select Committee consisting of—

(1) Babu Jatindra Nath Basu,

(2) Mr. Narendra Kumar Basu,

(3) Maharaja Sris Chandra Nandy, of Kasimbazar,

(4) Dr. Naresh Chandra Sen Gupta,

(5) Rai Bahadur Keshab Chandra Banerji,

(6) Rai Bahadur Sarat Chandra Bal,

(7) Babu Khetter Mohan Ray,

(8) Khan Bahadur Muhammad Abdul Momin,

(9) Maulvi Tamizuddin Khan,

(10) Maulvi Abul Quasem,

(11) Maulvi Abdul Hamid Shah,

(12) Khan Bahadur A. F. M. Abdur-Rahman,

(13) Maulvi Rajib Uddin Tarafder,

(14) Mr. G. W. Leeson,

(15) Mr. A. E. Porter,

(16) Mr. H. P. V. Townend, and

(17) the mover,

with instructions to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

When I introduced this Bill in the House, on the 19th December last, it received the most gratifying support from all parties. The only criticism which was then levelled against it was that Government ought to have introduced some such measure long ago. In accordance with the wishes of the House then expressed, the Bill has since been circulated, and the opinions received are in the hands of hon'ble members. Hon'ble members will have seen for themselves that these opinions reproduce the sentiments here expressed when the Bill was introduced. There is an almost complete agreement with the principles of the Bill. Appreciation is expressed that no additional taxation is proposed. The magnitude of the problem is recognised, and there is a consensus of opinion that the problem can be tackled, with a fair hope of success, in the manner which it is the object of the Bill to facilitate.

I have myself recently toured extensively in Eastern and Northern Bengal, and have been able to see with my own eyes the results of the campaign in more than one district. In my own district of Tippera, the results are astonishing, and the District Magistrate is prepared to invite inspection and to issue a challenge that not a vestige of the weed can be found in the parts subjected to intensive operations for its eradication. Action in Faridpur, Rajshahi, Bogra, Mymensingh, Noakhali, Jessore and other districts has been undertaken with gratifying results. Moreover, in every district which I have visited, I have been able to satisfy myself, and can assure the House, that men of every class, from the intelligentsia to the cultivators, welcome the measure which is before you, and complain only that it has taken Government so long to put forward proposals of this kind. There is a general recognition that provisions of the kind embodied in the Bill are necessary to encourage further effort, and to consolidate and render as permanent as is possible the results already achieved.

I do not propose at this stage to meet the criticism which I have mentioned, or to repeat what I said when introducing the Bill in the last

session. But I can assure the House that, in moving a reference to Select Committee, I have no intention of further postponing the enactment of a measure which is universally felt to be overdue. There may be minor criticisms of detail, and drafting amendments may be necessary; but I do not anticipate that these will prove so stubborn as to protract the sitting of the committee. I have not suggested that any date should be fixed for the submission of the committee's report, but I can assure the House that every endeavour will be used to bring their deliberations to a speedy termination. There is clearly complete agreement throughout the country on the principle of the Bill, and it should be possible to dispose, with great expedition, of such suggestions as have been received, or are put forward by members of the House, with a view to improving or modifying details. It is my hope and belief that it will be possible to lay before the House during the present session a version of the Bill which can at once be passed into law, and I hope that the House will assent to the motion which I have just made.

Babu KHETTER MOHAN RAY: Sir, I support the motion of the Hon'ble Minister to refer the Bill to a Select Committee. The object of the Bill is to stimulate voluntary and concerted action, which, if directed under proper guidance of Government, is likely to eradicate the water hyacinth pest from our country and it has a further object to coerce those persons, who from apathy or indifference, are not willing to lend their helping hand for the destruction of the pest. Sir, here, I shall tell the House, from experience of my own district, what splendid results were achieved by the people of our district who combined to destroy water hyacinth under the leadership of their respective Subdivisional Officers. Sir, the movement for eradication of water hyacinth was initiated by Mr. I. M. Khan, Subdivisional Officer of Brahmanbaria, in 1934. Many people thought that the Subdivisional Officer was attempting to perform an impossible task and looked on his work with amused interest. But in the course of a few weeks, people perceived that Mr. Khan was determined to get his suddivision free from this pest and, with a will and perseverance, he would succeed in his task. Mr. Khan went from village to village and asked the villagers to form themselves into different groups and apply themselves to the task of destroying the pest. He translated his words into action and worked with the villagers, every day for some hours, in removing water hyacinth. His noble example inspired the villagers to take concerted action for the destruction of the pest and his spirit of service spread like wild fire throughout the length and breadth of the subdivision. In 1935, before the rains had set in, the whole subdivision of Brahmanbaria was practically free from this pest which used to cause damage to crops worth several lakhs of rupees. His example was followed by the Subdivisional Officers of other subdivisions, and the work of removal of this

pest which was begun in 1935 was complete by the end of December last. Now the district of Tippera is practically free from water hyacinth. One travelling throughout the district from one end to the other will scarcely find any water hyacinth in rivers, *khals*, tanks and *bils*. The entire credit of this glorious result is due to Mr. Khan, Subdivisional Officer of Brahmanbaria. It must be said that Mr. Holland, our District Magistrate, supported and encouraged Mr. Khan in his noble endeavour and he himself got into water along with villagers and removed water hyacinth. His example was very inspiring and catching. You can well imagine how the people felt proud in working side by side with their District Magistrate and their Subdivisional Officer. I must tell the House that what an expenditure of several thousands of rupees would not have achieved was achieved by untiring energy, perseverance and firm determination of Mr. Khan to achieve the end in view.

Now, I beg to say a few words about the Bill itself. I find that no provision has been made for removal and destruction of water hyacinth from the Government land. The imperial waterways, *khals*, *gopats* and *bils* in the Government *khas mahals* are full of water hyacinth. But nothing has been provided in the Bill as to how the work of removal of water hyacinth from the Crown lands will be carried out. Besides there are many lands in villages—such as *gopats*, village common *bils* and the reservoirs of water which are kept and preserved for the benefit of the villagers. The landlords do not derive any rent or any other benefit from these lands. In the eyes of law these lands belong to the landlords, but they have no power under the law to let out these lands to the detriment of the common interest of villagers who have acquired right of easement to use them in a particular way. No provision has been made as to who will bear the costs of removal. The provisions for coercion are, I think, a little drastic and require to be modified. I hope this will be done by the Select Committee. One thing which strikes me is the absence of any provision for Government taking any responsibility to bear a portion of the costs. Occasion may arise when the Government must bear cost, however small, for the removal and destruction of water hyacinth. People are apprehensive that the coercive measures provided in the Bill are misused. Therefore, safeguards should be provided against abuse of such measures.

At the time of the introduction of the Bill I suggested that our Government should request the Assam Government to undertake a similar legislation for Assam. Good many rivers which intersect the districts of Tippera and East Mymensingh and East Dacca have their source in the Cherapunji and the Manipur Hills. During the rains water hyacinth come floating down the rivers and invade Tippera, Mymensingh and Dacca. It will be very difficult for the people of these districts to keep their districts free from water hyacinth if concerted action is not taken in Assam. I hope our Government will lose no time to move the Assam and the Bihar Governments to undertake legislation

on the lines of the present Bill. If the Assam and Bihar Governments co-operate with our Government in this matter, the pest will be effectively eradicated from the lands.

With these few words, I beg to support the motion moved by my friend, the Hon'ble Nawab Sir Mohiuddin Faroqui.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, the question of water hyacinth has been engaging the attention of our Government and the people for the last 15 or 16 years. Several committees were appointed in the past to find out ways and means for the removal of water hyacinth and so far their efforts did not succeed. Our grateful thanks are due to Mr. Porter who began the operation with a view to getting rid of the pest by concerted action at Faridpur. He has proved, beyond a shadow of doubt, that by concerted action we can get rid of the menace of water hyacinth, and since then others have followed him. The difficulty is that even concerted action may not bring in the result that is expected from it and the reason is this: There are places which are so big that concerted action of the people round about may not be sufficient to remove water hyacinth from there. Such places are found in Chalan *bil* and other *bils* in the districts of Rajshahi and Faridpur. When the question of the menace of water hyacinth was under consideration on previous occasions, people never thought of smaller places, but their eyes were rivetted on the big *bils* which feed the smaller channels and rivers of Bengal. Sir, if you really want to get rid of the pest the best thing would be for you to tackle the very source of it. Whatever remedial measures we take for removing water hyacinth, it will be of little practical value until the very source is tackled. It is this difficulty of tackling the source that stood in the way of Government bringing in definite and practical measures before in Bengal. Let us take the case of Assam. Almost all the rivers in our province have their sources in Assam; and until this source is tackled, nothing tangible would result even if you work day and night with the object of eradicating the pest. The previous speaker was right when he said that so far as we are concerned we are quite ready to help Government and the people also are quite ready to take all necessary steps for the weeding out of water hyacinth. But the question is: What about tackling the source? Could you not approach the Governments of Assam and Bihar with a request to take similar action and to see that their water hyacinth is removed and if they are not willing to do so, some obstruction should be placed to prevent the water hyacinth drifting into Bengal as had been done in the district of Hooghly? I read this in the newspaper. There may be two districts through which the same river is passing and the district down the river may not like water hyacinth entering it from the district above and so place a barrier obstructing the drifting of the weed into the district. So, if it is possible to make a barrier, it should be

done. I do not think our Bill is sufficiently comprehensive to deal with all the problems that may be necessary. So you will have to tackle the problem from the real sources. If you are going to destroy water hyacinth in all such places, would it not require lakhs and lakhs of rupees to remove the pest from those places? I hope that when the Bill goes to the Select Committee all these matters will be considered by them. You should also consider whether it would be a practicable proposition for the poor occupier, as you say in the Act, to remove water hyacinth from the area in question. My friend will say that concerted action will be quite effective as the people will be good enough to remove water hyacinth from such large areas. I wish his pious hope meets with success, but I have doubts. I think it is not possible to eradicate the menace of this water hyacinth from the entire area of Bengal without going to the sources, but a certain portion of it can certainly be saved from this pest by concerted action. One point I would urge for the Select Committee's consideration is what measures should be taken to force the *zemindars* to remove this pest from large *bils* which bring no profit to them and whether they should be burdened with the entire cost? There must be some comprehensive scheme for eradicating the pest. I hope this point will also be taken into consideration by the Select Committee. The other most important point is the definition of the word "occupier." The definition, as in the Act, says that it includes a local authority, railway administration, a company having a right of occupation or in such actual occupation; so far this is all right. But the question is: Does this include, at the same time, Government? If the definition can be made so as to construe the inclusion of Government also, I have no objection, but I am afraid that the definition, as it stands, is not sufficiently comprehensive. What I ask is that Government should show by example that they are really anxious to get rid of this pest for the good of the country. So I hope Government would reply at once that it was a sad mistake on the part of the drafting authorities not to include Government in the definition and Government would gladly do its duty to get rid of the pest from Government *khas* land. I may tell the Government bench that Government have sufficient funds at their disposal—a subsidiary fund —for the improvement of Government *khas mahals*. They have plenty of money in their fund which may be devoted towards getting rid of water hyacinth. I do not ask the Finance Member to get the fund from out of his pocket for this purpose. But the subsidiary fund that Government possess for improving the Government *khals* will be quite sufficient for removing the water hyacinth pest from the land. That being the position, the popular suspicion and mistrust should be removed by a statement from the Government bench that the Government will not be lacking in doing their part. These, Sir, are the points that strike us at present and which we now put before the House for consideration. By this I do not say that I am opposing the measure.

but I am simply putting the case which is the case of a certain class of people before the House for the Select Committee to consider and to see if any relief can be given in the way I suggest.

Mr. C. W. LEESON: Speaking on behalf of the European group, I am prepared to support the general principles of this Bill. With the willing assistance of the cultivators and owners of land in certain areas of Bengal, it has already been proved that the serious water hyacinth peril can be effectively dealt with. There seems, therefore, no reason why the whole province should not be cleared of this pest by the combined efforts of all the persons directly affected and interested. While Bengal is going to tackle this trouble, I would ask the Hon'ble Minister sponsoring this Bill if he has made any arrangement with the provinces of Assam and Bihar and Orissa. These should similarly deal with the water hyacinth in their provinces. It is well known that the curse has extended into Assam and Bihar and Orissa. Huge masses of water hyacinth are carried into Bengal by the Brahmaputra, Ganges and other streams, and it is only too certain that unless simultaneous and effective measures are adopted in these adjacent provinces our own province will continue to labour for many years to come in clearing accumulations we neither want nor are we responsible for. With these words I support the motion.

Dr. NARESH CHANDRA SEN GUPTA: The Bill before us is one of the recent series of Bills which seems to indicate that the Government is extremely anxious to do good to the people of Bengal without being out-of-pocket at all, by simply calling upon the people to pay and to work. That has been the characteristic of many of the recent Bills which have been directed towards the improvement of the villages and the population thereof. The difficulty about measures of this character is that it is very difficult to oppose them, and I do not propose to oppose this motion for reference of this Bill to the Select Committee. But I warn the Government that by merely requiring and expecting the people to combine to get rid of this pest they will not be able to achieve what they seek. It is perfectly true that by concerted effort a great deal can be done, but you cannot eradicate this pest. I am constitutionally opposed to this idea of small attempts. I am constitutionally in favour of measures which seek to get rid of an evil root and branch. By this Bill you are calling upon the people to keep their own lands free from water hyacinth. Well and good; but at the same time your river systems, the Government's river systems, are bringing in a continuous supply of water hyacinth which is so prolific in its growth that, in the course of one or two years, it fills up a tank. If you go on throwing the burden upon the people from year to year and calling upon them to keep their lands clear by means of penalty, I submit

that you are imposing a task of great magnitude upon them. It is comparatively easy to clear a tank or even a *beel* by concerted effort of the villagers, but if it has got to be done year after year the burden will be heavy. Therefore, what is wanted is that concerted effort not of the people alone but of the Government also and Government not only of this province alone but also of the Provinces of Assam and Bihar and Orissa. If you want to get rid of water hyacinth you have got to start a serious and concerted campaign against it. This Bill is not that campaign. It is only a half measure or a quarter measure or even less. If the Hon'ble Minister really wants to get rid of the pest, as I doubt not he wishes it, then he had better get into touch at once with the Hon'ble Member next to him and try to get as much out of him as he can and try to get into touch with the Member who is rather farther away, the Member in charge of Irrigation and call upon him to give an undertaking to get rid of every leaf and stalk of water hyacinth from the rivers in his charge. When he has given evidence of the earnestness on the side of Government, it will be time enough to call upon the people and the public to keep their own lands clear.

There is another thing in this Bill which I do not like. Here, as in numerous other enactments of the like character, everything is to be done piecemeal. Government will notify certain areas, and it is only when certain areas are notified that in those areas people will be expected to keep their lands and water clear of water hyacinth, and it will be an offence to keep water hyacinth in their water and lands. If you want to proceed step by step, piece by piece, you will not succeed. Water hyacinth has spread with such wonderful rapidity all over the province and entered into every creek and corner that the only way to deal with it is by one comprehensive measure. You must take the whole province of Bengal and work simultaneously at every corner of it. I do not find any assurance in the Bill that such a measure is in contemplation. If you want to proceed inch by inch, locality by locality, I submit, you will never get to the end of the job. What is wanted is to get to the end of the job—not perpetual fighting with this water hyacinth till eternity. What we want is that we shall have a programme, for a number of years it may be, and at the end of that period water hyacinth shall cease to exist. By this measure you will not get to the end of the job. I hope when the matter goes to the Select Committee, the Hon'ble Minister will be able to give an assurance of the Government's whole-hearted co-operation in some more tangible form than we have up till now, in the form of funds necessary for the purpose of supplementing the work of the villagers themselves. I hope he will be able to bring to us an assurance as a result of his consultation with the Governments of Assam and Bihar and Orissa which will enable us to get rid of the water hyacinth by concerted action without more trouble than is necessary.

Maulvi Rajib Uddin Tarafder addressed the Council in Bengali, the following being an English translation of his speech:—

Sir, I have no objection to the Bill made by the Hon'ble Minister. But I strongly protest the point of the expenses to be met by the poor cultivators in this Bill. Why will the cultivators pay for the water hyacinth if it be the object only to destroy the same. There is a provision in the Bill that if after due notice the land-owner does not remove or destroy water hyacinth, the Government will bear the expenses for the time being, but the land-owner will be responsible for the expenses. But who is the owner of the soil? When this question comes up, the *zemindars* say that they are the owner, not the cultivators. But here I see that they are ready to give up the interest of the land and bestow it upon the cultivators for fear of the water hyacinth expenditure.

I doubt if my opinion will tally with those of my colleagues to-day. I know that this subject is of much good to the country and will be admitted by all. All people should engage themselves for the good of the people in general for this matter.

I have been thinking of the destruction of water hyacinth since 1924. This year also I put up the same motion, but it is of great regret that no discussion is made. I think that the Bengal Government should give up all idea of destruction of water hyacinth, and a day should be allotted for all work to be suspended, all people (officials and non-officials), schools, madrasahs, offices, markets, etc., be closed and devoted for the destruction of water hyacinth, and no other work.

Government, after much discussion, have come to the conclusion that there is no other way of destruction other than the united efforts of the whole people. On February 6th of the current month there was a conference of peasant-debtors at Zorgacha in Bogra under the Hon'ble Minister of Agriculture in which about 25 thousand cultivators unitedly agreed to destroy water hyacinth. Under the circumstances, Government should announce a "Water Hyacinth Day" for its destruction No tax or rent should be imposed upon the poor cultivators other than the above plan.

Maulvi ABUL KASEM: Sir, I fully and entirely sympathise with the troubles of our fellow-cultivators and fellow-subjects of Eastern Bengal. I have been very much impressed by the speeches just delivered by my friends, Maulvi Abdul Hamid Shah and Maulvi Rajib Uddin Tarafder. Maulvi Abdul Hamid Shah says that money is wanted and for that he implied to say that the provincial revenue should come to the rescue of the *zemindars* and cultivators of those tracts of land which are subject to the misery or to the loss caused by the *kachuri pana*. Maulvi Rajib Uddin Tarafder is more practical.

He says that there is no question of taxation to be paid either by the tenants or *zemindars* and that Government should not be asked for money. He says: "Let us have a *kachuri* day and in that connection make the old and the young, professors and students, presiding officers in courts and the men who are devoted to litigation, all combine and hand in hand go to the field and try to get the *kachuri pana* removed." That is the very suggestion which I like very much. Whether it is practicable or not that is another question. But what I should like to say is this: As regards the taxation, whether it falls on the head of the *zemindar* or the cultivator if it is not resorted to, it means that the provincial revenue should pay for it. It is an evil which ought to be removed, but how is it to be removed? If Maulvi Rajib Uddin Tarafder's suggestion is considered practical, I think the only way to do it is to make the men who suffer from this evil pay for it. I say this advisedly and deliberately. We have been told that *kachuri pana* comes from the hills and causes all the mischief down in the field, and therefore the real person responsible for the mischief is the hill and not the cultivator. As you are not in a position to remove the hills by an order of the Parliament or an Act of this House, some steps should be taken that the mischief no longer exists or the evil is eradicated. As regards expenditure from the provincial revenue, I should like to mention here that I represent a tract of land and a class of people who also suffer, not for any fault of their own, but from an evil. This blessed hill is responsible for the passing of sand to this tract of land and this sand passing through either the Damodar or the Ajoy practically obstructs the flow of the river and the water in it is stagnated with the result that we poor people are subjected to floods which damage the crops. This sand is also carried with the flood and is settled in the villages with the result that the fertility of the land is gone, and for this Government alone is not responsible. The Government of which the Leader of the House is a member, and who has introduced this Bill, is clearly and in the major part responsible for this state of things, because Government have for reasons of their own protected the port of Calcutta with the result that, practically, they have made the river waterless. I say, Sir, that if anybody can claim any help from the provincial revenues for the removal of their difficulties, it will be the people who live on the other side of the Ganges, and the more so because they are the men who pay a revenue which is abnormally large. Eastern Bengal pays a revenue which I might say is quite negligible. Therefore, I submit that no further money should be spent from the provincial revenues on any measures unless our rivers are put right, unless our irrigation tanks are put right, and unless we are given a proper share of the yield of our cultivation. It seems, Sir, that because at one time—say one hundred years back— that part of the province happened to be more fertile, it is now having to pay a penalty for that. I hope, therefore, that the Government of Bengal, if they have a sense

of justice left in them still, will see to it that no expenditure is incurred from the provincial revenues under this head.

Mr. W. H. THOMPSON: Mr. President, Sir, I should like to say a word in defence of Eastern Bengal against Western Bengal. But before doing so, may I refer to what has been said by my friend, Maulvi Abdul Hamid Shah? It seemed to me a fantastic idea that somewhere up in the hills there is the origin and source of all this evil. Sir, that is capable of being directly contradicted. The nature of this pest and the history of its spreads in this country make it quite clear that it did not start up in the hills and come down. I remember, Sir, that during the years between, say, 1911 and the end of the War, this pest spread very quickly through the districts of Tippera, Mymensingh and Dacca. Quite definitely, Sir, it went from south to north: quite definitely, Sir, the spread was not from the top down but from somewhere below, following the trend of the prevailing wind at the monsoon period. It is because this is not something which comes down from the hills to be spread about the northern plains, but something which can spread itself from each little particle that exists, in any direction, helped by wind, by stream, or by other means, helped also very considerably, I may say, by fishermen in the rivers in Eastern Bengal. These fishermen put sticks down in a particular spot in a stream and over them, for the purpose of creating a shade and getting cool water when the fish will come, they put water hyacinth. Later they drop a net round the spot. By any means this thing will spread in any direction. Therefore, the only way to deal with water hyacinth is not to hunt for some source in the hills but to deal with every little particle of it that may be on any man's land and destroy it, and that is why I like the idea of Mr. Tarafder. The idea of a "big day" is a good idea—especially in this country. I think our Government is only beginning to realize what can be done by men brought together by beat of drum or by blow of trumpet for a *tamasha*. We have evidence of this capability of the people of this country in the classic example of the census which is taken every ten years. There is no other country in this world that carries out its census practically for nothing so successfully as we can in India. It is possible to get the people to combine momentarily and temporarily for one object, and it is a great idea of Mr. Tarafder to proceed in that way.

Sir, I was going to take up the cudgels on behalf of Eastern Bengal against Western Bengal, but I see that upon my threat to do so Western Bengal's protagonist has fled from the House and I do not think that I need trouble. (Laughter.)

Maulvi ABUL QUASEM: Sir, on the principle that something is better than nothing, I congratulate the Hon'ble Minister in charge of the Department of Agriculture upon his having brought forward this

Bill in this Council. But, Sir, going through the proposals contained in the Bill, I am not sure if my congratulations will remain as warm as I have been tempted to tender him on the first impulse. The underlying principle of these proposals is that water hyacinth is an unmitigated pest and should be got rid of by any means. This pest has been troubling us for a considerable time in the past, and the public are well aware that Government at first expected that scientists might be able to devise some effective methods of dealing with this pest. Sir, everyone knows that our great scientist, Dr. Sir Jagadish Chandra Bose, presided over a committee of scientists to try and find out an effective means of eradicating this pest, but, Sir, so far as I know nothing tangible came out of that committee.

Then, Sir, from time to time from reports in the public press we learn that researches are going on in the Calcutta Science College by a noted professor, who, it was also reported, some time ago had discovered quite a number of uses for this pest. If the idea of this professor really materializes, then water hyacinth, instead of being regarded as an unmitigated pest, would be welcomed as a source of national wealth. I remember to have read, Sir, that this pest was found by scientific researches to contain alcohol, and if alcohol could be produced from this pest on a commercial scale this would be yielding money and not be a source of unmitigated mischief as it has been up till now. I do not know, Sir, if there is anything in that idea, but having brought forward this Bill containing these specific provisions, Government do not appear to attach any importance to the reports which have appeared from time to time in the public press. I would, therefore, ask Government to tell us definitely whether these scientific researches are still being carried on, about which we hear from time to time in the press, and whether Government attaches any importance to them or not.

Then, Sir, it has got to be remembered that water hyacinth is not altogether a pest in the countryside. It is used as fodder in the countryside for cattle. (CRIES OF No! No!) Well, I myself have seen cattle feeding on this pest, and those who are contradicting me will kindly keep their experiences to themselves and will kindly allow me to give expression to mine. I do find, Sir, from the Bill that the removal of water hyacinth from the land, if it is not for the purpose of its total destruction, will be visited with punishment. Removal for purposes of fodder will thus be liable to punishment. Will that be just? Then, Sir, people who are in touch with the press know that from time to time advice is given in the pages of the newspapers by people who have experience that water hyacinth, if treated in a particular way, makes good manure for the land. Now, if water hyacinth is taken out from where they grow and stacked and allowed to rot in a particular piece of land, which is to be manured, then that would mean that you are not taking out the water hyacinth exactly for the purpose of "total" destruction. And this act would be penalised under the provisions of

the Bill. Sir, I do not wish to take much time of the House, but the provisions of this Bill do appear to me not to be quite satisfactory. If, however, the House agrees to send the Bill to Select Committee, each and every provision will have to be carefully considered, and if, on examination, they are found to be impracticable and capable of doing mischief, then the Bill will have to be radically changed or given up altogether. I do feel, however, Sir, that our own province is not alone responsible for this pest: this pest is, as a matter of fact, brought down by streams from other provinces, as Mr. Leeson has pointed out. Therefore, without the collaboration and co-operation of other provinces, any provision that we might make may prove ineffective. I think, Sir, that more attention should be paid to this aspect and a better and more effective measure should be proposed by Government. I do not know whether the Select Committee will be able to produce a better and more effective remedy. Sir, as it is not an altogether satisfactory Bill, I cannot give my whole hearted support to all its provisions.

Mr. H. P. V. TOWNEND: Sir, on behalf of Government I do not propose to deal in detail with the various objections that have been advanced in connection with this Bill. Most of the objections are answered when I point out that the Bill provides for the only method which has so far proved successful in any country in the world for dealing with water hyacinth. There is no country in the world which has succeeded in dealing with water hyacinth except certain parts of India. I know very well that in America, at great cost, they have kept rivers and streams free from water hyacinth by spraying and by the use of steam and so on; but no country in the world has succeeded in clearing water hyacinth from wide tracts of land except certain districts in India. Those districts are to be found in Madras (where of course the plague was very slight), in Bihar, where Cuttack was cleared by Mr. Peck, and in certain parts of Bengal. I need not repeat the details about the work done in Bengal, because members of this House are already aware of them. If they are not persuaded of their truth by what has been said in the Press and in this House previously, they will not be persuaded by anything that I can repeat now. But the proved fact is that, if the people in general can be induced to take up the work, water hyacinth can be eradicated, from the land and from the rivers, by the methods for which this Bill makes provision. This answers most of the objections. I need not discuss points of detail mentioned here which can be dealt with in the Select Committee. Several of the members who spoke on this Bill are to be members of the Select Committee if this motion is passed; and they will take care that they are not lost sight of.

Two questions have been put, however, that are very well worth discussion. The first was: What about the other two Governments,

Bihar and Assam? Should not Assam and Bihar have been asked to join with Bengal in the campaign against water hyacinth, and their co-operation has been secured, before legislation was undertaken? I would remind the House that Assam gave Bengal a lead in this matter years ago when they passed their Bill against water hyacinth, but we did not follow that lead, until now. It is for us to show now that we mean business, before we address Assam. If we begin by clearing water hyacinth out of our districts and prove that it is possible to tackle it by our methods, we can go to the Assam Government and say, please put your Bill into operation; and I am convinced that they will take action. They are no less anxious than we are to get rid of water hyacinth. The one thing which has prevented their Bill from being put into operation is the very argument that has been put forward this afternoon, the argument that it is useless to clear a district if the neighbouring districts (in their case our Bengal districts) do not join in.

As regards Bihar, had it not been for the pioneer work of Mr. Peck, an officer under that Government, I doubt if our officers would ever have taken up the vastly more difficult problem of our water hyacinth. Since Bihar thus gave the lead, I have not the slightest doubt that if we show signs of earnestness they will respond to the request which we shall make to them and co-operate.

The second question was: What about our Government of Bengal—are they going to co-operate? Well, I hope they are. But it is no good to refrain from passing legislation which is absolutely essential merely because it would be very much nicer if we could first induce the Finance Member to give a definite promise that money would be forthcoming. It is no use making any such attempt or waiting until our bankrupt Government are able to see their way to find money. The only thing to do is to get the people to do their part of the work: when they have come forward and by united action cleared large areas, it would then be absolutely impossible for any Government to say that they are not able to put up the money necessary for clearing the *bils* and large rivers. The popular demand could not be resisted—especially not by Ministers under the Reformed Constitution. This argument may be attacked as suggesting that Government should be tricked into such a position as to be compelled to find money. But it is common sense. As matters stand, the cost of clearing *bils* and big rivers may be estimated at lakhs and crores of rupees. If we are to wait till provision can be made in a Bill binding Government to spend crores of rupees, we shall not have a Bill at all, and the problem will never be tackled. I hope that members will treat this Bill with sympathy. We hope to be able to give powers which will enable District Officers in general to follow the lead of those exceptional few who, without any powers, have taken up the work already and have worked miracles. It is with

this end in view that we want to get this Bill through. Some of the criticisms put forward definitely show a lack of sympathy. They are easily met and in fact are self-destructive like the suggestions that if water hyacinth must under the Bill be "destroyed" it would be an offence to let cattle eat it or to cause it to rot. When hyacinth is eaten by cattle it is destroyed: it is destroyed when it rots. But although it is easy to answer such objections, they do harm when they are repeated in the districts and they encourage the ignorant and perverse minority who oppose attempts to deal with this terrible evil. Such objections are not helpful at all and no responsible man should make them.

The motion was put and agreed to.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

The Bengal Alluvion and Diluvion Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Alluvion and Diluvion Act, 1847.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg also to move that the Bill be taken into consideration.

Sir, this is very simple measure for the substitution of a simple procedure for a cumbrous one in the assessment of alluvial accretions to revenue-free lands. Under the old Regulation II of 1819, in the case of both revenue-free and revenue-paying estates, alluvial accretions are liable to be assessed, but the procedure of the Regulation is extremely cumbrous. In 1847, an Act was passed by which the procedure was very much simplified and by that Act revenue maps were to be made. But for some unaccountable reason it was provided in section 6 that whenever on an inspection of such new maps it appeared that land had been added to any estate paying revenue direct to Government, they shall without delay assess the same to revenue. Now why that provision was confined to revenue-paying estates and not extended to revenue-free estates is not clear. The result has been that although accretions to both kinds of estates are liable to be assessed and are assessed, in the case of accretions to revenue-paying estates a simple procedure is followed, and in the other case, the cumbrous procedure of the Regulation of 1819 is followed. This Bill is intended to substitute the simpler procedure of 1847 for the cumbrous procedure of the Regulation of 1819 in the case of alluvial accretions to revenue-free land.

Babu KISHORI MOHAN CHAUDHURI: By Act IX of 1847 a simpler procedure was provided, that is to say, if on a comparison of the two maps—the revenue survey map and the subsequent map—it is found that the alluvial land is there, that is to be taken as the basis of calculation upon which the assessment should be made. The difficulty is that revenue survey is not always correct. In many cases it has been found that the revenue survey does not show what land was revenue-paying land. So far as we see now, Government do not keep records of the original permanent settlement. No doubt there is no map to show what area was settled, but the comparison of the areas at least would show what was the land settled and if there is any addition of course that can be taken. Under Regulation II any such things were to be shown. But in the simpler method provided in Act IX of 1847 there has been a wrong line adopted and that has created difficulty in many cases. So I think that that method should not be applicable. The mere comparison of the maps of the later measurement with the revenue survey maps should not be the basis of calculation and that procedure should not be perpetuated even in the case of revenue-free land. Government must show what is the revenue-free land and what was originally made revenue free. If upon that it can be ascertained that there is an addition to the land, by all means that can be settled. We have no objection. But the simpler method adopted in 1847 should not be the basis of calculation and to that we cannot agree. Even if a wrong procedure has been adopted with reference to revenue-paying lands and in the courts of justice, evidence is gone into and the question of ownership and how far an ownership has been disturbed are decided, but in many cases the simpler method leads to injustice. For these reasons I oppose the Bill.

Mr. J. B. KINDERSLEY: Sir, it has been argued that if this simpler procedure is adopted a comparison of the revenue survey map, which is the earliest scientific map of any kind in Bengal, with a modern map to show what accretions there have been since then, it will lead to injustice by the assessment of land which has already been assessed. Though *prima facie* there may be cases in which the land is assessed or attempts are made to assess land that has already been settled and assessed, evidence is accepted inevitably in every case from the party against whom this charge is to be made, and though Government make no attempt to start with earlier papers than the revenue survey maps as the basis for resumption, they are bound by law to accept any proof that the river as shown in the revenue survey map was not there at the time of the permanent settlement. So that no objection lies whether this procedure is applied to revenue-paying or revenue-free estates, and as I have shown the parties are not bound by the revenue survey if they can show by valid evidence that the revenue survey was not there at the time of the permanent settlement.

The question that the Bengal Alluvion and Diluvion (Amendment) Bill, 1936, be taken into consideration was put and agreed to.

The question that clause (1) stand part of the Bill was put and agreed to.

The question that clause (2) stand part of the Bill was put and agreed to.

The question that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Whipping Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to introduce a Bill to make certain offences against women punishable with whipping.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to move that the said Bill be taken into consideration.

Mr. H. S. SUHRAWARDY: I move that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, 1936.

I have not fixed any time within which it should come home to roost, because I hope it will go on circulating and never come up again in order to blot the proceedings of this Council or of any other Council. I move this motion with a great deal of reluctance. Firstly, because I entertain high regard and respect for the Hon'ble Member; secondly; because it is a Government measure, and I should be well content under normal circumstances to accept the guidance of Government on such matters as these, of which Government has more knowledge and experience; and, thirdly, because I am sure I am going to be misunderstood; and a number of my friends are getting ready with their artillery of heavy jokes, or of invectives as their temperament takes them.

I move this motion as a first measure of opposition for I consider that the Bill is far more heinous than the crimes that it seeks to punish with whipping in addition to the sentence that the court has the power to pass. I would divide my arguments into two main parts —one based on general principles of criminal jurisprudence and punishments, and the other on the present condition of the social atmosphere.

In my opinion, the sentence of whipping is revolting in accordance with modern notions of criminal jurisprudence. There was a time when such punishments were justifiable. The times, the manners, the customs, the attitude of the people towards crimes have changed since those days. To-day, when it has been recognised that crimes are often only the result of an environment over which the criminal has no control—of a heredity whose dictates he is compelled to follow, of lop-sided social or economic conditions or even of a phrenological displacement or a psychopathic temperament—the conscience of mankind does not tolerate these antiquated methods of punishment. Certainly, for offences of the sex this punishment smacks of a state of crudism which, I thought, that at least this Government of Bengal had long since passed. Indeed, were it not that the Bill shows a tragic want of balance and a pusillanimous attitude towards extremist newspapers, I could have appealed with confidence to the normal good sense of the European block both within and outside the Government, not to accord their support to this Bill. As hon'ble members may have noticed this Bill adds on the punishment of whipping to such offences as are already punishable by 10 years' rigorous imprisonment. Does the Hon'ble Member who is piloting this Bill think that this maximum punishment is not either sufficiently retributive or deterrent. If 10 years' rigorous imprisonment is not sufficiently retributive or deterrent, does he think that the added punishment of whipping will make any difference in moments of passion. On the other hand, whipping is merely an indication of the barbarity of that penal law which will so ordain. I would far rather that the Judge added on one year more to his usual punishment, than inflicted whipping. For instance, I would rather he gave 6 years than 5 years and whipping. Of the offences that are hit by this Bill many of them are obscure. Those in the second part of clause 2 (*b*) deal mostly with procuration of a minor girl, importation of a girl from a foreign country, selling and buying of minor girls for purposes of prostitution. Cases under these sections are extremely rare although, I have no doubt, that the acts which have been made criminal under these sections are relatively common in view of the number of brothels that exist in the city.

The punishment of whipping will not touch them, as these sections are rarely applied. Section 367 which deals with kidnapping or abducting a person in order to subject that person to grievous hurt, slavery or unnatural lust, is also a very rare section, but it is possible that it will be called into operation more frequently than it has been, if this Bill is passed, for reasons that will appear later. Section 2 (*a*), however, of this Bill is the most dangerous of its provisions. It makes an offence under section 366, *i.e.*, kidnapping or abducting a woman to compel her to marry or knowing that she will be compelled to marry any person against her will or in order that she may be forced or

seduced to illicit intercourse—an offence which is to-day punishable with 10 years' rigorous imprisonment and with fine—also punishable with whipping, provided that two or more persons are concerned in the offence and possess the common object. In practically all cases of section 366, more than one person are implicated and hence you may say that this Bill will be applicable to almost all cases under section 366. And now I come to the second part of my objection which is based on the present social, political and judicial situation.

It is well known, particularly by the members of the Indian Civil Service who can be trusted to take a broad view of situations, that one of the normal methods of implicating an enemy falsely in this country is by charging him under section 363 or 366. These charges were fairly frequent, and were much more frequent in the older days until they went into comparative disuse owing to the raising of the standard of Police Officers. We see, however, now a recrudescence of these false charges with the recrudescence of communal animosities and party faction. I have information in the course of my legal experience of a large number of cases when persons have been charged on the flimsiest of evidence, when they have been sent up to the sessions on the flimsiest of pretexts and then convicted by juries without any reason whatsoever. It is possible that the softer side of one's nature instinctively rises to support the testimony of a woman who looks respectable though she may be disreputable, and the jury men knowing the fallibility of their own nature may possibly be prone to consider the accused guilty on sight.

Much as I dislike introducing the communal issue into this general question, I am afraid I shall have to do it for the controversy has become something of a scandal. I do not know when the persistent demand in the Legislative Council has been made for the infliction of whipping as a deterrent punishment, nor do I know what the Hon'ble Member means by the word "elsewhere" used in his Statement of Objects and Reasons. It is possible that he is referring to those intensely communal Hindu newspapers that seem to think that all sexual offences are committed by Muslims.

A year or so ago, the "Star of India" took up the challenge and compiled statistics and it was found that offences committed by Hindus were more in number than those in which Muslims were concerned. Nevertheless, these papers have not ceased to blame the Muslims and have even cast the shadow of their pernicious influence on the Government itself. As I have said before, it is immaterial to me what is the religion of the offenders for I consider this punishment is a reversion to barbarism and shows a state of crudity which is not in consonance with modern customs and manners. I also consider this punishment unnecessary and, I believe, is not in accordance with public opinion.

By public opinion, I refer to an opinion largely held and to an opinion which is enlightened—not the opinion of a vicious communal group whose aim in life is to blackguard and run down the Muslims. In view further of the fact that bodies have grown up everywhere who have made it their object in life to implicate innocent Muslims in cases of kidnapping and abduction, to turn every case of liaison between a Hindu girl and a Muslim male into a case of abduction, seduction and kidnapping, to utilise these sections even without cause in order to wreak their vengeance on those who have the temerity to stand up to them, and to procure perjured evidence, I do protest against the provision of this Bill. As long as this movement exists, as long as innocent Muslims continue to be trapped, as long as Hindu juries continue to convict Muslims on less than no evidence, so long we must not think of introducing this Bill, whose main purpose seems to be a vindictive punishment on Muslims against whom this vast conspiracy has grown.

In many cases, indeed in most, these sections are utilised either for trying to vindicate the honour of the girl who herself has been responsible for its besmirching, and who cannot be taken back into caste or for wrecking vengeance against the accused for daring to respond to the advances of the girl. Actual true cases of kidnapping or abduction are rare. Hon'ble Members of the Council probably know that the offence of kidnapping is committed when the girl is under 16 years of age.

Now, I have known many instances of girls above 16 years of age being deliberately sworn to as being 13 or 14 years of age in order to bring the accused under the section I will give you just one instance of a case which is passing through my mind of how things can be worked up.

A Hindu widow left her home with a Muslim of the same village. She was aged 22. She came to Kankinara and professed the Muslim religion and the couple wanted to get married. The people there knowing the oppression of the Hindu Mahasabha and of the ease with which Muslims are being charged with cases of kidnapping and abduction and forceful conversion, told the woman that she should of her own accord go before a court of law and by an affidavit declare her intention to get married. She accordingly did so. She appeared before the Subdivisional Officer of Barrackpore and made her declaration and subsequently the couple were united in matrimony. The Hindu Mahasabha across the waters, namely, in Howrah, which is extremely keen on such cases and is extremely anxious to keep the Hindu girls away from Muslim men put up a person coming from their village to come down and lay a deliberately false charge before a certain Magistrate in Howrah who has not yet been known not to commit such cases to the

sessions. In order to give jurisdiction to the Howrah Court where the Mahasabha can operate it was stated that the man had brought the woman down to Howrah, had passed himself off as a Hindu, had kept her confined in a certain house within the jurisdiction of the Howrah Court and that the woman was found crying there which had led to enquiries and so on and that the woman was 14 years of age and the complainant was her husband. A search warrant was asked for and granted, and even a man was procured to give evidence that the two had stayed in his house and that the man had beaten the woman and the woman had been found crying. Obviously the search warrant could not be executed in Howrah and was, without delay, transferred to the 24-Parganas for execution and duly executed. The woman was produced; she gave the real facts; she gave her age as 22; she said that she had become a Muslim and had got married and that there was no case of either kidnapping or abduction. Nevertheless, the man was committed to the sessions and the High Court which was presided over at that time by Judges who also seemed to lose their mental balance whenever a Muslim accused was implicated in a kidnapping case refused to quash the proceedings. The matter was heard in the Court of Sessions and the accused was lucky enough to get a Judge who was impartial—he was a Hindu Judge—who knew something about the manners and customs of the country and how easy it is to implicate people in false cases, and the man was acquitted. If by chance, the Judge had been such that he would have taken a different view of the case as many Judges are prone to do, the man would have been convicted. On appeal, it would have depended on what kind of a Judge presided over the Criminal Bench in the High Court. If he was technical or had tempered or was anxious to dispose of cases or not burden his file or had a prejudice against the accused in cases of this nature, he would have thrown out the appeal, as the directions or misdirections or non-directions were such as were not material. If the Judge had the patience to do justice as well as administer law, he would have possibly admitted the appeal and subsequently allowed it. Although one must remember that one does not always get justice in the High Court, one gets law which is very far from justice.

In another case, a girl of a low caste, of bad character, who entertained visitors, complained that she had been kidnapped and confined in a room for 21 days. Within these 21 days there had been an enquiry in connection with a dacoity committed by her brother. The brother had taken the Police to the hut where she carried on her business—part of the proceeds were recovered from the hut and part from her person. She was found living in that hut at the time. The accused were sent up and all of them were convicted under section 366 and various other sections. It was lucky that they found a good bench in the High Court. The evidence was so flimsy that the case was not

even sent back for retrial, but the High Court acquitted the accused. Nevertheless, five good and solid Hindu jurors and one Hindu Judge had convicted these accused without compunction.

I am thinking of another case from Birbhum of a certain respectable Muslim who was implicated by the Hindus of the locality and sentenced to 10 years' rigorous imprisonment. The whole evidence was so farcical that he was acquitted in the High Court, the case not being sent back.

I only give you instances of acquittal. There have been any number of cases well known to be false, well known to be engineered for communal reasons, where the appeal has not even been admitted or where admitted has not been allowed.

There is one further aspect in regard to cases of this nature that I should like to comment upon.

Mr. PRESIDENT: May I know why you are multiplying these instances? What is the object at the back of your mind? Is it to bring the Hindu Judges into contempt?

Mr. H. S. SUHRAWARDY: Not the High Court Judges. It is the judicial system so far as the cases of abduction and kidnapping are concerned.

Mr. PRESIDENT: Certainly I cannot allow you to do that. You have to retract all your offensive remarks.

Mr. H. S. SUHRAWARDY: I am very sorry, but I am telling you what I feel definitely and what I found personally in the course of my practice as a lawyer.

Mr. PRESIDENT: Will you please retract all what you have said to bring the judiciary into contempt?

Mr. H. S. SUHRAWARDY: I have not the slightest desire to bring the judiciary into contempt, but I shall be false to myself if I do not state the facts as I have gathered from experience in the course of my practice as a lawyer.

Mr. PRESIDENT: Whatever your experience may be, I must put a curb on you when you make an attempt to bring the judiciary into contempt, and I must ask you to retract the remarks that you have made to bring it into contempt. Will you please do that?

Mr. H. S. SUHRAWARDY: I have not the least intention to bring the Judges into contempt.

Mr. PRESIDENT: Order, order; please take your seat. Mr. Suhrawardy, you may take it from me that I have been listening to you very carefully, and I can say without any hesitation that you have employed words which certainly do bring the judiciary into contempt. It cannot be said that you were carried away by emotion or impulse. Your remarks were deliberately made, and I think I must call upon you to retract them.

Mr. H. S. SUHRAWARDY: All right, Sir, I do so. Any remarks that I might have made to bring the judiciary into contempt I take back, but that, Sir, applies only so far as the judiciary is concerned. Surely, Sir, that does not take away from the force of the arguments which I have put forward, viz., that cases of the nature which are going to be made punishable with whipping are engineered, and fabricated, and evidence is perjured for the purpose of misleading the jury and the Judges. I must say that there is one further aspect with regard to this point that I desire to comment upon, because of the bearing it has upon the issue of the trial. The woman when she is first produced, as I have already said, often exonerates the man entirely; she is then delivered up to the tender mercies of the Hindu Mahasabha; although she might like to go back to her husband or to her parents she is not permitted to do so until the trial is over. She may protest violently against such action, declare herself to be overage and state that she is a Muslim and produce irrefutable proofs. She may point out that she is married to the accused; she is nevertheless sent *vi et armis* to the custody of the Hindu Mahasabha. The next time she is put into the dock she unfolds an entirely different tale, and the accused is put into jeopardy.

Mr. PRESIDENT: Excuse me for interrupting you once more, Mr. Suhrawardy; really I do not understand why you should raise these points. As far as I understand, and, perhaps, the House will agree with me, this Bill, if passed and put on the statute book, will apply with equal rigour to both Hindus and Mussalmans.

Mr. H. S. SUHRAWARDY: Doubtless, Sir.

Mr. PRESIDENT: It is up to you to criticise its basic principles. If it is going to be a bad law, you can certainly challenge it and level your criticisms against it, but you should not narrate incidents which cannot be proved or disproved on the floor of this House and merely gives you a handle to throw mud on Judges or public associations. These are matters which are outside the present issue, and I have tolerated you long enough, indeed.

Mr. H. S. SUHRAWARDY: I am glad, Sir, that you have made this point, because it seems to me that I have not been able to tell the

House what is the point that I am trying to make clear. You are perfectly right when you say that the clauses of this Bill, when put on the statute book, will apply equally to the Hindus and the Muhammadans, but on general principles, as I have said, it is a barbaric and crude law, and a reversion to the old systems of law, and I maintain that though it may be applied both to the Hindus and the Muhammadans, to-day there is a regular conspiracy to implicate the Muhammadans alone. And standing here, I say this definitely from my experience and from my own knowledge.

Mr. PRESIDENT: Your experience is not the criterion. You must not labour that point.

Mr. H. S. SUHRAWARDY: Sir, as long as this conspiracy exists, as long as innocent Mussalmans are implicated, as long as there is a danger of their being convicted in a got-up and false case, this Bill should not be placed on the statute book. It is absolutely ill-timed. When the communal tension has subsided, when we are able to look at such cases from a proper view-point, and when we are not going to enter into conspiracies to implicate each other in false cases, at that time let us judge the Bill upon its merits and see whether it should be put on the statute book or not. I would, therefore, request, the Hon'ble Member and the Government not to be stampeded by the clamour, possibly, of some members of this Council or elsewhere, as has been so vaguely put by the Hon'ble Member in the Statement of Objects and Reasons of this crude piece of legislation. Before Government takes this step, it should circulate this Bill for eliciting public opinion, and many such cases may be brought to its notice as may induce it to drop this Bill. After all, this is a very serious addition to the law as it stands. It is a punishment which once inflicted is beyond recall. There is no urgency with regard to this, and a few months spent in circulation and garnering the opinion held by the public will not make matters worse. It is proper that in serious cases of this nature Government should seek public opinion, and I hope that those members of the Council who are well balanced sufficiently to respond to the dictates of justice and common sense will support me in my motion. I am confident that the vast majority of the people in Bengal are against the provisions of this Bill.

Maulvi HASSAN ALI: Sir, I support this motion with no dilatory purpose as is evident from the date. Still I think that the proposed measure is of such grave importance that it requires public opinion. Secondly, I, for one, am of opinion, Sir, that the Bill is a one-sided and half-hearted measure. The Bill proposes to provide whipping as additional punishment for offences against the female person. I, as a

Moslem, am religiously, in duty bound to support any such measure which provides heavy punishment for sexual crimes referred to in the Bill.

The Holy Quoran's injunction is that such culprits, whether male or female, must be whipped even to death. The history of Islam shows that the Moslems never lagged behind in fulfilling this—their divine law. The great Caliph, Omar the Great (may God be pleased with him), whipped to death his beloved son for some such crime. Muhmood Gaznavi killed his general, who was reported to be his own nephew before being killed, but afterwards known to be his general, for forcibly taking possession of a poor subject's wife for immoral gratification.

I, therefore, as a Mussalman, as I have said before, would be duty bound to support this measure. But, Sir, the object of the Bill would not be fully fulfilled if it is passed in its present form. The object of the measure is to check the increased rate of rape cases. We know, Sir, that many cases of elopement and adultery have been concocted by interested persons as cases of abduction and rape, and the alleged male culprit has been punished, while the other culprit, belonging to the fair sex, has been allowed to escape. My point, therefore, is, Sir, that, in cases where both the male and the female are found to be guilty, they both should be punished with the same sort of punishment. I do not shudder to hear about punishment for women. The woman is, at the present day, asserting herself for equal rights and privileges with the man. If it is so, Sir, she must bear the equal burden of responsibility herself also.

Besides, Sir, I call it a half-measure on other grounds too.

The sexual crimes cannot decrease unless and until a social and moral movement in the country is set on foot. The moral laxity which is of quite recent origin, in our people, is, I believe, mainly responsible for such crimes, and the modern Godless education, caring solely for the external embellishment, has produced such laxity.

The free and unrestricted mixing of young men and women, the cinemas and theatres, the shameless and half-naked dresses of women are, in my opinion, responsible for many such sexual crimes.

I, therefore, am of opinion that without a social movement to regulate our conduct a measure like this alone will not be able to cope with the crimes referred to in this Bill.

Mr. PRESIDENT: Perhaps, Mr. Quasem, you will like to speak on this motion and not move yours.

Maulvi ABUL QUASEM: I would rather like to move my motion, Sir.

Mr. PRESIDENT: Do you find it necessary to do so? The only difference is that you have mentioned a different date, that is all.

Maulvi ABUL QUASEM: All right, Sir, I will not move my motion but will simply speak on the motion now before the House.

Sir, I rise to give my support to the amendment moved by Mr. Suhrawardy.

Sir, in the Statement of Objects and Reasons it has been said that there has been for some time a persistent demand in the Legislative Council and elsewhere that a provision should be made for inflicting whipping as a deterrent punishment for some of the more serious offences against women as they are increasing in number. Now, Sir, I have been in this Council for the last three years and more, but I do not remember to have heard any demand on the floor of this House in the direction indicated in the Statement of Objects and Reasons and do not know when this demand was made on the floor of this House. Nor do I know, Sir, that there has been this serious increase in the number of crimes against women during this time. Sir, I think Government could have helped members of this House a great deal if they had appended an annexure to their Statement of Objects and Reasons stating clearly how this class of crime has been on the "increase" during the time they have in view. But no such help or guidance has been given to us. Now let me again come to this Statement of Objects and Reasons. Members of this House who are not lawyers may not be aware that a particular crime, and a very heinous one, against women is already punishable with whipping and this is the crime of rape. I might further tell my non-lawyer friends in this House that when the Indian Penal Code was passed into law, whipping was not laid down in that Code as one of the six punishments which were enumerated in section 53 of the Indian Penal Code. Whipping as far as I know came into the criminal jurisprudence in India by means of the Indian Whipping Act, No. IV of 1909. In that Act certain offences were specified, which, it was laid down, might be punished with whipping along with, or, in lieu of, other punishments. Well, Sir, one of such crimes is the crime of rape. And the pertinent question to ask here is this: Is the Government in a position to show that as a result of this punishment of whipping having been provided in the Indian Whipping Act for the offence of rape, that such crime has shown a "steady" decrease in its incidence so far as our province is concerned? Has it proved really "deterrent" as the phrase is used in the Statement of Objects and Reasons?

(At this stage Mr. President vacated the Chair, and it was occupied by Mr. Deputy President.)

It would also be of interest, Sir, and it would be very relevant to know in how many cases of rape, Judges have inflicted, as a matter of fact, the punishment of whipping in addition to other punishments. If

Government could make out a case on that basis and could prove that whipping is an effective means of checking the rising tendency of a particular crime, then we could understand that Government had a good case. But, I submit, Sir, that there is no such case for Government. I am not aware of any report or statistics published by Government where we can have facts such as those I have just mentioned—facts which would really be of help to us in arriving at a sound judgment on the question before us. Government, in sponsoring this Bill and asking this House to adopt whipping as an additional punishment in respect of certain crimes under certain sections of the Indian Penal Code, seem to think that a provision of this kind will work miracles by decreasing the number of those crimes. Sir, I seriously ask, is that the sincere opinion which Government have arrived at after a deep and comprehensive study of the problem? So far as the public are concerned, the Statement of Objects and Reasons says that there has been a persistent demand from a section of people. Mr. Suhrawardy has rightly referred to this section as the extremist Hindu Press. Sir, there is absolute truth in this. From what source has this demand come? I do not yield to any one in my detestation of crimes against women. But I ask: Is whipping going to be a really deterrent punishment? In the case of rape, for instance, when whipping was inflicted, what was the result? Has it led to a visible deterioration in the criminal tendency to rape? May I tell the House, Sir, as Mr. Suhrawardy took pains to explain, that we live in a civilised age. We have long outlived that age, when justice was deemed to consist in "an eye for an eye; a tooth for a tooth." We have travelled far away from that sort of justice. Sir, what is the idea behind the infliction of punishments? There are three motives involved. The first is deterrence, the second is retaliation or retribution, and the third is reform. I think all jurists are agreed that the only logical basis of punishment is retaliation or retribution. Now, what should be the form in which you are going to inflict that retribution upon offenders? The law has already provided sufficient punishment for crimes of this nature, and I feel that the existing law is sufficient for the purpose. But to expect that by means of having whipping as an additional punishment, you will be able to readily diminish these crimes, is simply to expect something which is against actual experience. Sir, I do not know whether the crime of rape has diminished in Bengal or in any other part of Indian as a result of infliction of the punishment of whipping. I do hope and expect that Sir Brojendra Lal Mitter will be able to enlighten us satisfactorily on this point.

Then, Sir, this punishment of whipping is regulated by certain sections of the Indian Criminal Procedure Code. A person who gets a sentence of imprisonment below 3 months cannot have whipping as an additional punishment nor can a person who gets an imprisonment of

five years or more have it. Then, there are regulations about the capacity of the offender to bear this punishment, and so on and so forth. Sir, what I feel is that the only motive for having this provision is that somehow or other the injured sense of the society affected will be satisfied by flogging the offender on the bare buttocks or on the bare back. Some of the members have suggested that whipping should be inflicted in public, that is to say, that the public mind should be brutalised for an offence committed by a particular member of the society. There are other heinous crimes which you do not seek to punish by whipping, but only in the case of offence against women you want to have a deterrent punishment. The civilised world is gradually but unmistakably turning from the idea of retribution to the idea of reformation, while we in Bengal are seeking to revert back to the ideas of barbaric times. So far as I know, Sir, in France, Germany and the United States of America, corporal punishment has been abolished. I do not know whether this is a fact, Sir, and I speak subject to correction, but I think that in civilised countries, whipping has been restricted to a very great extent, and that the tendency is towards its abolition. This is not the proper moment, therefore, nor has any case been made out by Government, for introducing whipping as a deterrent form of punishment. There can, however, be a justification for it if it can be demonstrated by facts and figures that in respect of such offences, this form of punishment has proved successful in diminishing crimes, but until that is done, I repeat, there is no case for providing whipping as an additional punishment. Sir, the Bill involves a serious question, and the public should be allowed to have their say in the matter. I, therefore, think that the Bill should be circulated for eliciting public opinion. As I have already said, during the three years of my membership of this Council, I have never heard of any demand made in this House for such a measure. Further, Sir, I believe that during recent months, there has been a visible improvement in the situation. We read less of such crimes now than in the past. Moreover, the ordinary law is enough and ought to be enough to bring the real offender to book. Whipping is not a punishment, Sir; it is a barbarous way of taking revenge; and as we claim to be a civilised nation, I think we should not resort to this barbarous method.

On these grounds, Sir, I do support the motion for circulation.

Mr. S. M. BOSE: I oppose this motion for circulation. I deplore the speech of Mr. Suhrawardy which is the most pernicious speech ever delivered in this Council so far as my experience goes. Sir, Mr. Suhrawardy has said that the Bill shows a tragic want of balance, My reply is that his speech shows beyond all question of very tragic want of balance. He has further said that this is a scandalous measure. My reply is that his is a most scandalous speech that has ever been heard in this Legislative Council—scandalous for more reasons than one.

First taking the opportunity of his privileged position here, he has made a scandalous attack on the judiciary including the Judges of the High Court. Mr. Suhrawardy is a Barrister of Law, practising in the High Court and elsewhere and it is really a scandalous thing that he should stand up here and attack the High Court and other judiciary.

Mr. DEPUTY PRESIDENT: Mr. Bose, Mr. Suhrawardy has already retracted that statement and I think you need not dwell upon it.

Mr. S. M. BOSE: Then, Sir, the second scandalous thing is that he has introduced quite needlessly the communal issue. He seems to assume that in all these cases of violence against women, all the women are Hindus and all the ruffians are Muhammadans. That is absolutely untrue, as he himself knows perfectly well. A very large number of such women are Muhammadans also, and a large number of offenders are Hindus as well. I greatly regret, therefore, that he should have thought it fit and proper to drag in the communal issue on the false and unfounded allegation that this is a conspiracy by the Hindus against the Muslims. Nothing of the kind. There is not a shred of truth in the charges made by him, and I repudiate it on behalf of all sane and sober members of this Council, and the public at large.

I say with deep regret, Sir, that the communal question has been dragged in here. That is absolutely irrelevant to the point at issue. The real point is whether in such offences against women, whoever might be the person accused, and whoever might be the person wronged, we should not tighten the law against the offenders. That, I submit, is the sole issue, and it is dragging a red herring across the trail to bring in the communal question which has nothing whatever to do with the matter. I trust Mr. Suhrawardy will have the grace to feel ashamed for doing that. Mr. Suhrawardy has said that whipping is very revolting, and that it is against common-sense and against modern custom. I ask, has he heard of English criminal law? Does he know that in a great many cases in England, eminent Judges and criminologists have advocated the use of the "cat" for ruffians of this description? Has he heard of the Judges of the English courts repeatedly saying that ruffians who are not afraid of jail are afraid of the lash. That is the reason why Judges in civilised England have over and over again advocated the use of the "cat" for offenders against women and children. Has Mr. Suhrawardy ever heard of Mr. Justice Granthan and Mr. Justice Avory, both eminent Judges (only to mention two names which occur to me now), and does he know that they advocated the use of the "cat"? And I suppose Mr. Suhrawardy will admit that England is a civilised country. Therefore, there is nothing wrong, nothing preposterous in this measure. Maulvi Abul Quasem has drawn attention to the Whipping Act of 1909. Section 4 of the Act *inter alia*

only deals with one class of offences against women—, section 375 of the Indian Penal Code relating to rape. The provisions of this Bill deal with other such offences punishable under sections 366, 366A, 366B, 367, 372 and 373, and the offences enumerated there are sought to be made punishable by whipping. Let me briefly enumerate these offences: Section 366, kidnapping or abducting a woman to force her being seduced; section 366A, procuring a minor girl for illicit intercourse; section 366B, importing a girl from a foreign country for a similar object; section 367, kidnapping or abducting a person for subjecting that person to grievous hurt, unnatural lust, etc.; and sections 372 and 373, selling or buying minors for purposes of prostitution. I submit that it is perfectly right and proper that this should be done, because in these cases the lash is far more effective on brutes and ruffians who are devoid of all sense of decency and humanity. The lash has far more effect on such persons than years of jail. That is the reason behind the advocacy of the "cat" by a great many English lawyers and Judges. Such punishment is bound to have a deterrent effect, because once a man has got the lash, he will never commit such offences again. That is why whipping is bound to have a very great deterrent effect. On the point that the Government measure should be circulated, I am surprised to find that persons, who were all along in favour of Bills being taken into consideration in spite of our amendments to have them circulated, suddenly turn a somersault and favour the Bill being circulated. Mr. Abul Quasem said that he heard nothing about the question of whipping having been raised in this Council. He is quite wrong. I myself have asked questions in this House regarding whipping and Mr. Hunuman Poddar has done so very often. Mr. Quasem is entirely wrong in saying that these matters have never been brought up in this House. For these reasons I oppose the motion for circulation and support the motion that the Bill should be taken into consideration.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I support the amendment moved by Mr. Suhrawardy. I think we could have expected a larger measure of support to this amendment if my friend Mr. Suhrawardy had not raised the communal issue. Personally, Sir, I am always against any hasty measures. I do not see any urgency in the matter that we should pass this Bill all at once in one sitting. Nothing will be lost if we wait for a couple of months, if we give the Government of Bengal an opportunity to justify their action. Sir, the Hon'ble Member in introducing the Bill has not stated what has been the experience of the officers of the Government of Bengal in connection with this matter. If he had produced the opinions from the District Magistrates or the judicial officers in the land that the existing law is insufficient in checking this crime, that would be some justification for

lending our support to a measure like this. Instead of rushing with the measure I would suggest that the Government of Bengal will be well advised in getting the advice of their own officers first. It is also necessary that the opinion of non-official organisations in the province should be obtained. When you are going to enforce such drastic measure it is necessary that it should be backed by considerable public opinion in the land. It is true that there has been some feeling over this matter in this province; some cases have received a good deal of prominence and perhaps on communal ground there has been some demand for a deterrent measure. But, Sir, when the public mind is agitated over something it is for the Government to keep their head cool. It is for the Government to examine whether this is only a passing phase or whether this cry for deterrent punishment has a real demand behind it or whether there is the real necessity for such a drastic measure which generally is not supported by the public. We have always been opposed to the infliction of whipping against all political prisoners, and unless there are very good reasons we cannot bring ourselves to lend support to a measure like this which would enable the Government to enforce the sentence of whipping on ordinary prisoners. It is no use disguising the fact now that there is considerable misgivings in the minds of the Muslim councillors with regard to this measure. I would, therefore, put it to the Government as well as to my Hindu colleagues to examine this proposal for circulation dispassionately. I think there will be general agreement that, if necessary, deterrent punishment should be inflicted. But there is considerable difference of opinion as regards the particular form in which it is proposed to inflict that punishment. I feel that I ought to raise protest against one aspect of Mr. Suhrawardy's speech. So far as the first portion of his speech is concerned I whole-heartedly support his line of argument. But when he gives vent to his misgivings as regards the administration of the criminal law in the land—

Mr. DEPUTY PRESIDENT: It has been retracted, so you need not refer to that. The question regarding the judiciary has been withdrawn.

Mr. SHANTI SHEKHARESWAR RAY: His misgiving was this: He emphasised by quoting that such and such Muslim accused were acquitted by Hindu Judges.

Mr. DEPUTY PRESIDENT: That has been retracted.

Mr. SHANTI SHEKHARESWAR RAY: His fear is that if you entrust the administration of this measure——

Mr. DEPUTY PRESIDENT: That has been retracted, and I do not think you need refer to that.

Mr. H. S. SUHRAWARDY: Apart from that, not only have I given an instance of that, but I have said that a Hindu Judge has acquitted the Muslim accused——

Mr. SHANTI SHEKHARESWAR RAY: Now that the Hon'ble member has made his position clear, I need not labour that point.

I am glad that he has no misgiving now. Anyway, we on this side of the House are always for examining particularly a Government measure with caution, and I whole-heartedly support the motion for circulation.

Maulvi ABUL KASEM: I neither claim sobriety nor sanity according to the standard of my friend, Mr. S. M. Bose, but I may say this much that I not only support the motion of Mr. Suhrawardy but I support his speech as well. But what I say is this: When you are considering a piece of legislation, you must not rush it through the Council. I support his speech because he has voiced the feeling of the public, the man in the street, be he a Hindu or a Muhammadan. I may warn the Hindu members of the House, however enthusiastic they may be about the provisions of this Bill, they must remember that some years back when unfortunately I was not a member of this House, a Bill was passed which was known as the Goonda Act. The Muslim members of the House whole-heartedly supported it because they thought that it would not affect them in operation and the Hindus will have to suffer the most. The question is why there is this indecent haste to pass this Bill through in one day. The sky will not come down if this whipping punishment is not added to other punishments, deterrent or non-deterrent, for offences of this nature. Though I am a layman with not much common-sense, still I cannot make myself believe where 10 years' rigorous imprisonment is not deterrent on a culprit for offences of this nature simply the punishment of whipping will be quite sufficient. The real point at issue is not that 10 years' imprisonment is not sufficient, but that the judgment can still in these days be reversed by the Judges of the Calcutta High Court, and that has been done. But the advantage that the administration, the police or whoever may be concerned, will get is the additional punishment of whipping so that in appeal this sentence may not be reversed; they want a quick punishment. I think Government will be well advised for their own sake, if not for our sake, to ask for public opinion. I do not say the opinion of Mr. H. S. Suhrawardy or myself, but the opinion of such persons whom they think in their estimation safe and sober. One word more and I have done. Mr. S. M. Bose said that Mr. H. S. Suhrawardy has unnecessarily and without any reason introduced the communal question into this. I have been in public life in this province and in this country long before many of the members here were born, and I have always found to my absolute regret and I may add——

Mr. DEPUTY PRESIDENT: We will hear you afterwards. The Council stands adjourned for fifteen minutes for prayer.

Maulvi ABUL KASEM: All right, I have finished.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Mr. P. BANERJI: Sir, I rise to oppose the motion for circulation for the simple reason that this measure for inflicting deterrent punishment on those culprits who cannot be termed as human beings but only beasts in the garb of men is long overdue. Though it may not be known to some of the new members of this House, I fail to understand how could Mr. Suhrawardy be ignorant of the fact that on the floor of his House we have discussed this very question year after year during the Budget session—the proceedings of the Council will bear me out. I am surprised to find that in spite of this Mr. Suhrawardy wants to hide his head like the proverbial ostrich. It is a matter of shame that a man of Mr. Suhrawardy's education and culture should have surpassed all decency and made such a statement as he has done in this House. It is not a question that concerns the Hindus or the Mussalmans or the Christians alone, but it is a universal complaint against certain men whom I call beasts. It has been contended that the demand for such a measure has been made from the Hindus only and it is the Hindu newspapers that have clamoured for it. May I point out in this connection that up till recent times there was not a single newspaper in the province owned by Mussalmans. At the present moment there is only one Mussalman newspaper which was at one time in the hands of the Hindus; but that is not the point at issue. The question is whether public opinion is very much manifest against the crime on women by certain people who, as I have said, are beasts in the garb of human beings, and whether we should not rise to the occasion and put a stop to this evil. There cannot be two opinions about it that such an evil must be put down, and if it is to be put down, why should it not be now? It is a matter of the greatest importance that these crimes must be put down by all means and immediately. It has been argued by some members of the House that in some of the cases against these culprits there may have been an error of judgment on the part of the law courts. Well, if there is any error of judgment, I should say it must have been due to the machinations of the criminal lawyers practising in those courts. It has been said by Mr. Suhrawardy that there is some hand of the Police officers also in these prosecutions. But that is a different matter altogether, and I would not like to discuss it. It may be argued whether with the introduction of the infliction of whipping the offence of rape would diminsh. Well, may I ask whether in spite of the infliction of capital sentence in cases of murder there has been any decrease in the number of murders? But

that is beside the point. It has been said that in these days of civilisation the punishment of whipping is barbarous. But may I point out in this connection, and I raised the question in this House times without number, that when men not for any guilt of moral turpitude but for holding a particular opinion of their own, I mean the Congress men including the first citizen of Calcutta, were whipped and assaulted not a single member of this House raised a voice of protest, and I am surprised to find that these gentlemen here to-day are very much averse to the punishment of whipping being resorted to in case of inhuman crimes on women. As I have said, people who commit these offences are beasts in the garb of human beings, and they for the time being forget the nature of the offence they commit, and the only means of correcting them is to give them whipping and nothing else. So, is it not in the fitness of things that such persons should not have any sympathy from any quarter whatsoever? I, therefore, submit that this measure which is of vital importance should be passed immediately. With these words I support the motion of the Hon'ble Member in charge and oppose the motion for circulation.

Maulvi TAMIZUDDIN KHAN: Sir, I never thought that this simple motion for circulation would generate so much heat on the floor of the House. The question before the House is that this Bill should be circulated for eliciting public opinion. Now, my question is: Why should there be any hurry in passing this measure just to-day here and now? Of course if a measure is of a non-controversial character, there is no harm in passing it, without circulation, but if a measure is really controversial, I fail to see why it should be passed in the teeth of opposition be it even from one section of the House only. But I see that the opposition is not from one section of the House alone. Our friend, Mr. Shanti Shekhareswar Ray has taken a very dispassionate view of the matter and has also supported this motion for circulation, because there seems to be no reason why we should be in a hurry. I have already said that this Bill is of a controversial character. Mr. Suhrawardy's speech—whether one agrees with him or not—reveals clearly that there is a good deal of feeling in the country about the advisability of a measure like this: not only his speech but the speeches of several other members who have spoken on this motion show the same thing. I, therefore, ask Government whether it would be proper and right on their part to pass this measure in hot haste, without obtaining public opinion regarding its provisions.

Sir, it is very unfortunate that Mr. Suhrawardy has been misunderstood in this House. I feel, however, that perhaps he was not discreet enough in saying all that he has said. I do not dispute Mr. Suhrawardy's facts; on the other hand, so far as his statements of facts are concerned, they are absolutely correct, but if he was not discreet it is perhaps on account of the fact that there are occasions when it is not proper to

wash one's dirty linen in public. Mr. S. M. Bose has said that the communal issue should not have been raised at all in this connection. But I think, Sir, that if there is a communal issue at all, we should not fight shy of it. If there is any communal canker anywhere, the duty of all public-spirited men should be how to eradicate it and not to conceal it under specious arguments. Mr. Suhrawardy's line of reasoning seems to me to be this: That on account of the conditions that unfortunately prevail in the country nowadays, very often innocent persons are likely to be punished. Persons who should not be punished at all under some sections embodied in the Bill are actually punished on account of the activities of some associations and this is a thing which is to be deeply deplored. Now, if such conditions prevail and if there is a likelihood of innocent persons being punished, the question is whether the existing law should be made more stringent whereby additional punishment may be awarded to these innocent persons. This is a thing which deserves consideration, but I submit that this is a question which may be considered when the Bill comes up for consideration before the House.

So far as the simple motion for circulation is concerned, I do not think that there are valid grounds on which it can be opposed. Public opinion has never been invited on this measure. Moreover, the divergence of opinion that has manifested itself on the floor of the House shows that there is no unanimity among the members over this measure. Similarly, the outside public, too, may have very strong views over the matter and, therefore, it is only just and proper that they, too, should be consulted.

Sir, one word about the communal issue. It is unfortunate that on account of the recrudescence of such cases under the sections mentioned in the Bill a good deal of communal feeling is often created in the localities where such cases occur. Of course, I do not say that the people are right in raising such communal feeling, but rightly or wrongly communal feeling is raised. Now the question is, if whipping is added as an additional punishment in these cases, whether the communal feeling will not be further accentuated. I do not give any definite opinion on this point just now, but I say that this is a question which should be considered dispassionately by Government, and if the judicial officers of this province and if public bodies are consulted, they may perhaps throw some light on the question by which Government may benefit if they at all care to. Therefore, I think that the Bill should go into circulation. One other thing, Sir. Some members have said that whipping is a barbarous form of punishment and should, therefore, not be resorted to. Some members may be of that opinion and there may be others, men generally of so-called advanced views, who share their opinion. But I for myself do not think that it is a barbarous form of punishment. I also think that it will be a deterrent if awarded in proper cases. The question now is that, since some people

consider this form of punishment to be barbarous, the matter should be taken into consideration by Government. Sir, I do not wish to prolong my arguments. I think that one point which my friend, Mr. Abul Quasem raised is very important. He pointed out that whipping is already provided in the case of rape in the whipping Act, but that punishment is very rarely awarded. If so, it is very doubtful whether even if this Bill is passed, it will be of any great use. These, Sir, are questions which should be carefully considered and if they are to be carefully considered we require time, the country requires time and Government also should require some time; so I say that there is no necessity to pass this measure in such hot haste.

Rai Bahadur SATYA KINKAR SAHANA: Mr. President, Sir, I rise to give my whole-hearted support to the motion of the Hon'ble Member in charge of the Bill and oppose the motion for circulation. Sir, I cannot understand why such storm and stress should be raised on such a simple measure. It is a fact which nobody can deny that crimes against women have increased of late in this province, and this is a measure intended to act as a deterrent against those crimes. Criminals or offenders against women, I think, should not be considered from the point of view of their religion. Why should communalism be brought into this affair? If I remember aright, we once got it from the Hon'ble Sir Robert Reid that offences against women are committed mostly by ruffians of both the communities, and the women wronged were almost equally divided between the Hindu and the Muhammadan communities, and the offenders were, perhaps, more Hindus than Muhammadans. These ruffians should be checked, and that is what is intended to be done in the present Bill. We all know, Sir, that in our country domestic peace and social purity depend mainly upon the purity of women. Both amongst the Hindus and the Muhammadans the purity of women is considered the highest asset in domestic life. Now, Sir, among the ruffians who are wronging the women, whether in those cases some innocent persons are punished or not, that is more than I can say, but this much I can say that the cases cited by Mr. Suhrawardy and some other speakers, who are, I think, younger than me, because my grisly beard and grey hairs will show that I have seen more years than most of them, except Mr. Abul Kasem who is now in his puckered age, are mere guesses. Mr. Suhrawardy's case is that there is conspiracy amongst the Hindus. He guesses that the law courts have conspired to punish these Muslim offenders; he guesses that the High Court, too, have conspired to punish these offenders——

Mr. DEPUTY PRESIDENT: Rai Bahadur that statement has been retracted by Mr. Suhrawardy, so that is not before the House. Please do not refer to that.

Rai Bahadur SATYA KINKAR SAHANA: But, Sir, he has referred to a conspiracy amongst the Hindus; he has referred to communalism. I say all these are mere guesses, and we all know that guesses, like random shots, often fly wide of the mark, and I am constrained to say that these guesses are far from correct.

As regards the question that there was no demand for this Bill, this much I can say that for the last five or six years there has been a persistent demand in the country for such a measure. As regards the question that Government have not invited public opinion on this matter, this much I can say that two years before I was asked by Government, through the Collector of my district, to give my opinion about the introduction of whipping, and I gave my opinion in favour of it. So, Sir, it is neither a hasty measure, as some of my friends have attempted to describe it; nor is it unnecessary. It is a necessary measure; rather if it be not introduced, social peace and domestic tranquillity will be highly disturbed, and, perhaps, the Government also will be blamed for it.

With these words, Sir, I support the motion of the Hon'ble Sir B. L. Mitter and oppose the motion tabled by Mr. Suhrawardy.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, even when we are awfully tired, I think I should not fail in my duty to respond to the call of my country and to give my opinion in a matter like this. Sir, it has been said with a great deal of force in this House that the country will, practically, collapse if immediate legislation is not passed by this House to whip a particular class of offenders. Sir, I do not believe that the sun will not rise to-morrow if this Bill is not passed to-day: the sun, as usual, will rise and will set as usual. Even if this Bill is not passed into law, the natural course of events will take place; so why such hurry? I do not believe that we have come to this unfortunate state that if this Bill is not immediately passed into law, a serious catastrophe will actually occur in the country. Then, Sir, what is this law about? Let us, first of all, understand its bearings. You say that, in addition to the punishment that is already in the statute, viz., punishment for 10 years or more, you say that the punishment of whipping should be awarded as well. Of course, our religion lays down that whipping should be the punishment for committing such offences, and I am, therefore, glad to find that my friends are gradually accepting our ideas and ideals, and that the law that was decreed more than 1,300 years ago is now being respected by our Hindu friends. I am sure if they proceed a little further, they will find that there is absolutely no difference between the Hindus and the Muslims. We are the same people, and we ought not, therefore, to think ourselves as Hindus and Muslims.

Sir, as you are aware, Western education has spread in the country of late, but this education is not of such a nature as can mould our

character. The idea of freedom in all matters has been imbibed by one and all, both males and females. What has been the result? In every home and in every family, women are now less submissive than they were before, and when there is a quarrel, our women leave the protection of their guardians and take shelter in their neighbours' houses. This, I say, Sir, is happening not only amongst the Hindus but also amongst the Muhammadans. I was personally involved in such a case just three months ago. A young girl of a very respectable Hindu family came to my house, and, seeking my protection, volunteered to become converted to Muhammadanism. I did not know what to do, and I asked the name of her father or guardian. She did not give any reply to that, but simply said that she would embrace Islam and would like to live in my house under my protection. At last, I sent her inside my house and placed her under my wife's control. Then I called for a Police officer, and, after telling him everything, asked him to enquire into the matter. After a couple of hours only, a very respectable gentleman of our locality came to my house and told me that his niece had come there after she had had a quarrel with her mother. Then I handed over the girl to her uncle, but the girl simply refused to go and entreated me to give her protection. I explained to her that under no circumstances could I allow her to remain in my house, and that she must go back to her own house. I say, Sir, these unhappy incidents are due to the awakening of our women as a result of the present system of education. You must, therefore, consider the whole thing in the light of the experience that I have gained, and try to realise that it is not really a case of girls being seduced by ruffians but that it is a case of girls becoming more independent and intolerant, and in consequence leaving out of their own accord the protection of their natural guardians. When a girl leaves her home and goes elsewhere, her safety or otherwise depends on the attitude of persons in whose midst she happens to place herself. I would, therefore, tell my Hindu friends that things are not as bad as they appear to be. A woman falls into danger only because she fails to restrain herself, and only by her leaving the protection of her guardian, and what is absolutely necessary, therefore, is that our women should be properly kept under control. I would ask the House not to be led away by the erroneous idea that there has been a persistent demand in the country for this measure, and that unless we pass the Bill, our society will collapse. I do not think that a case has been made out like that. For God's sake, therefore, give some time to the people to think over the matter to enable them to pass a sound judgment on it. By doing that, Government also will not in the least be the loser. I appeal most earnestly to the Hon'ble the Judicial Member to seriously consider whether it is the miscreant who is solely responsible for the present state of affairs in the country or whether it is the unfortunate woman who has, out of her own accord, left her natural protection. Sir, it must be admitted that the present state of affairs is

due mainly to our defective system of education and not to any abnormal depravity in our society. I think, therefore, Sir, that the present legislation is not the correct remedy, and that it can wait for a month or two. In the meantime, however, the Bill may be sent out for eliciting public opinion thereon which it is the duty of Government to correctly ascertain before placing it to the legislature for its consideration.

On that ground, Sir, I support the motion for circulation.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Sir, when I received a copy of this Bill I thought that all sections of the House will receive it with acclamation and accuse Government for the delay in bringing forward such a Bill. But I am surprised to find that a section of this House is very vehement in their opposition to the Bill. I am sure that the chastity and honour of women is as much sacred and dear to the oppositionists of this Bill as to any Hindu or Christian in this country. A persistent demand for a Bill of this nature was being made throughout the length and breadth of this province for the last ten or twelve years. Several questions have been put in this Council and quite a number of resolutions have been tabled on these points and all the nationalist Indian newspapers have dwelt upon this subject and asked the Government to bring forward such a Bill and to provide whipping for such offences. Mr. Suhrawardy thinks that this demand is an outcome of a conspiracy of the Hindus against the Muhammadans, and he wanted to base his proposition on some cases tried by Hindu Judges with Hindu jurors. Subsequently, however, he withdrew those allegations. Sir, except from Mr. Suhrawardy we did not hear a single word in support of such a charge against the Hindu community. If any Hindu newspaper or the Hindu Sabha could do something to bring these offenders to book or towards the suppression of this evil, they are proud of it, but we are sorry to find that the Muhammadan leaders and the Muhammadan papers are not so alive to this question as the Hindu papers and the Hindu leaders are. It is the apathy of the Muhammadan leaders and Muhammadan papers towards this question which has necessitated the introduction of such a Bill.

Sir, Maulvi Abul Quasem has referred to Act IV of 1909, that is the Whipping Act, and on going through section 3 of that Act it will be found that whipping has been provided even for offences of lurking, house trespass and house-breaking.

Mr. DEPUTY PRESIDENT: Rai Bahadur, I must adjourn the House now, and you can continue your speech on Monday.

Adjournment.

The Council was adjourned till 3 p.m., on Monday, the 17th February, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 17th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 98 nominated and elected members.

Obituary.

Mr. PRESIDENT: Gentlemen of the Council, we mourn the loss of a distinguished past member of this Council—I refer to the Reverend Sir Nicholas Dodd Beatson-Bell whose death took place in England on the 13th instant. From 1914 to 1918 he was a Member of the Executive Council of this province and also a member of this Council from 1913. In 1918 he went to Assam as the Chief Commissioner and was created a K.C.I.E., in 1919. In 1921 he became the Governor of that province. The same year he was created a K.C.S.I. He retired from service in 1922 and entered Holy Orders. In 1927 he was appointed Vicar of Fritwell and subsequently became Vicar of Cornish Hall End.

Many are the stories which hang round the name of this distinguished civil servant. He was the par excellence of District Officers.

A fearless and just officer who set a wonderful example of how the villager could be brought into personal contact with authority.

We deeply mourn his death.

Gentlemen, it will be our duty to send a message of our deep sympathy to the members of the bereaved family. I would ask you to signify your assent by kindly rising in your places.

(Pause.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will take the usual steps.

STARRED QUESTIONS

(to which oral answers were given)

Revisional enhancement of rents in Mymensingh.

*8. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether Government have finally decided upon an enhancement of rates of rents at the revisional survey now in progress, in the *khas mahals* and temporarily settled estates in the district of Mymensingh, after having heard all the objections put by the tenants of these *mahals* and estates?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member in charge be pleased to state the reasons for which such enhancement has been decided upon?

(*c*) Is the Hon'ble Member aware—

(*i*) that the rents of these *mahals* and estates were enhanced also at the last revisional survey;

(*ii*) that the price of jute at that time was Rs. 10 to 12 per maund;

(*iii*) that the price of jute at present is Rs. 4 or 5 per maund in the *mufassal*;

(*iv*) that the lands in these *khas mahals* and temporarily settled estates are generally *char* lands visited by annual flood with currents;

(*v*) that no *aman* paddy can be grown in these lands; and

(*vi*) that jute is the only crop to be grown in these lands and harvested at a premature stage before the advent of flood?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes, but only in estates where the land is capable of bearing an enhancement.

(*b*) and (*c*) (*iv*), (*v*) and (*vi*) The member is referred to the reply given to starred question No. 74 (*c*) and (*d*) (*i*), (*ii*), (*iii*) and (*iv*) on 23rd August, 1935.

(*c*) (*i*) Yes, in most of them.

(*c*) (*ii*) and (*iii*) The harvest price of jute in the district of Mymensingh during the years 1914-15 to 1921-22 was as follows:—

Year.	Price per maund.	
	Rs.	a.
1914-15	6	6
1915-16	7	0
1916-17	8	8
1917-18	5	0
1918-19	10	0
1919-20	12	0
1920-21	8	0
1921-22	Rs. 5 to Rs. 9.	

The wholesale prices-current return for the first half of December, 1935, shows that the price of raw jute (weighed average) for Sarisabari (Mymensingh), was Rs. 4-12 to Rs. 7 per maund.

Maulvi ABDUL HAKIM: Is it not a fact that Special Officer has been appointed in the district of Chittagong to reduce the rate of rents of *khas mahals* or Noabad *taluks*, etc.

Mr. J. B. KINDERSLEY: The Special Officer who was appointed for Chittagong has nothing to do with Mymensingh.

Maulvi ABDUL HAKIM: May I know why Government considered that such a reduction was necessary there?

The Hon'ble Sir BROJENDRA LAL MITTER: Because Government came to the conclusion that assessment in some cases was too high.

Ban on Srijut Kumar Chandra Jana of Sutahata (Midnapore).

*9. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether Srijut Kumar Chandra Jana of Sutahata police-station of the Midnapore district, has been interned in his own house under section 4 of the Bengal Public Security Act, 1932?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether there is ground, as contemplated in the Act, for his internment?

(c) Are the Government considering the desirability of directing the Local Officer to remove the ban on him?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (a) He was interned in his home village by an order under section 4 of the Public Security Act, 1932.

(b) Yes, there was—at the time the order was issued.

(c) He is not under any ban at present.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether Srijut Kumar Chandra Jana is still an internee?

The Hon'ble Sir ROBERT REID: I gave the answer in (c) that he is not under any ban at present.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Whipping Bill, 1936.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: When the Council adjourned last I was speaking about Act IV of 1909, that is the Whipping Act, which has been referred to by Maulvi Abul Quasem. There is provision for whipping in case of offences for lurking house trespass and lurking by night. Sir, if whipping in such cases does not hurt the feelings of civilised people, I do not understand why for offences against women which is certainly much more a severe offence whipping should not be resorted to. In this connection, with your permission, I want to read a passage from the speech, delivered at a meeting, of late Mr. J. M. Sen Gupta, late Mayor of Calcutta, and which was presided over by His Excellency Sir Stanley Jackson in 1927.

Mr. PRESIDENT: Why do you like to read it out?

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: I want to read only a clause to show that provision for punishment of whipping for offences against women is justified and that the public wants that. He says: "I am aware that legal proceedings are and have been taken against such miscreants. But I may tell Your Excellency that in such cases, imprisonment in my opinion amounts to nothing, fine less than

nothing. If corporal punishment has any justification under any circumstances at all in modern conditions, it is justified in dealing with cases like this. If I have my way—and I have no doubt that I would be supported by all my countrymen—I would punish these miscreants who outrage the modesty of girls and women with public whipping in market places in addition to any other punishment which may be provided for."

Sir, this will show you how public feeling is keen about the award of such corporal punishment on these miscreants. Maulvi Abul Quasem told us that provision of such punishment, that is whipping, in cases of abduction will not be deterrent because he thinks even though whipping is provided in cases of rape, in a very few cases the Judges award such punishment. This is exactly the public grievance also and if I remember correctly, the Government has issued instructions to the Judges drawing their attention to the provision of such punishment in the Whipping Act. So it is no use saying that this corporal punishment, though it is provided for in the Whipping Act, is not resorted to by the Judges. Nawab Musharruf Hosain told us that it was not *goondaism* but education amongst women which is responsible for such abductions. I am really sorry to hear such a scandalous statement from an ex-Minister for Education. May I know from him what he did when he was in charge of Education of this province for checking education among females? Is it not a fact that the members of his community including himself often pressed Government for allotting more money for female education amongst Muslims? It is no use nowadays to make such a scandalous allegation against women of this province. I think we should be ashamed for such an allegation from a member of this House.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: On a point of personal explanation, Sir, my friend has absolutely misunderstood my speech.

Mr. PRESIDENT: Has he misrepresented you in any way?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes, Sir, I simply gave a case where an educated girl went away from the custody of her family and wanted protection from us, and she was sent back to the family by compulsion. From that I inferred that things are not always what they seem.

Mr. PRESIDENT: That will do, Nawab Sahib.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: It was also said that there was no public demand for such a Bill or for such punishment being provided for in the Act. I have already referred to the

speech of the Mayor of Calcutta, delivered on the 11th July, 1927, and I may also quote several questions put on the floor of this House by different members of the House asking Government to state the number of cases of outrages on women and at the same time suggesting for the provision of such punishment and urging Government to move in the matter as soon as possible.

With these few words I beg to support the motion.

Mr. NARENDRA KUMAR BASU: In rising to oppose the motion for circulation of this Bill I shall confine myself to meeting the arguments advanced by the proposer, I shall not, at this stage, characterise in any manner the proposer himself, but I shall deal with his proposal and his reasons. As far as I can make out, the reasons advanced by him were that, in the present condition of social, political and judicial atmosphere of this country, this Bill is uncalled for. Then after making a sanctimonious profession of his dislike for the introduction of the communal issue Mr. Suhrawardy went on to say that the hands of Government had been forced by the communal newspapers which spread the scandalous statements that these offences were committed more by Muhammadans than by Hindus. He then went on to suggest that there was a regular conspiracy amongst the Hindus to implicate innocent Muhammadans. He also quoted statistics from a newspaper that there were more Hindus who committed offences against women than Muhammadans. Sir, public memory is very short, but only three years ago in answer to a question put in this House by my esteemed friend, Babu Kishori Mohan Chaudhuri, a big sheet was laid on the library table giving figures, district by district, of cases of abduction from 1926 to 1931. I have ventured to make a summary of that statement and I should like to present some figures to the House. The number of cases from 1926 to 1931 was 838, 928, 1,000, 1,064, 910 and 933, totalling 5,673. Of these, the victims were mostly Muhammadans—I am not talking of offenders now but of victims, mind you—the number of women who were victimised in 1926 was 494 Muhammadans against 324 Hindus, in 1927, 579 Muhammadans against 326 Hindus. Next year 657——

Mr. PRESIDENT: Mr. Basu, is such comparison necessary? I think not.

Mr. NARENDRA KUMAR BASU: Yes, Sir. It is necessary to prove that this is not at all a matter in which Hindu women are only victimised and that, therefore, it has a communal tinge, as Mr. Suhrawardy would make us believe.

Mr. PRESIDENT: My point is that the figures you have given have already proved that the crime exists and that some suitable punishment has got to be provided for in order to check the inroad to that crime. I think this is quite enough for your purpose.

Mr. NARENDRA KUMAR BASU: With all respect to you, Sir, I submit if you will kindly allow me to finish, you will understand what I am driving at.

Mr. PRESIDENT: I would ask you to consider whether you could not do very well without comparison.

Mr. NARENDRA KUMAR BASU: I am saying that the provisions of this Bill are entirely in the interests of the Muhammadan community itself; and if my friends oppose this Bill from being carried, they will not only be guilty of a travesty of facts, but also of treason against their own community. As I was going to say, in these six years 3,525 Muhammadan girls had been outraged.

Mr. PRESIDENT: Will you please consider my point once again? You have already placed convincing figures to show that the crime exists and that it has got to be eradicated. I think comparison may make it difficult for us to judge the measure on its merit, calmly and dispassionately. It will be better if you do not excite passion which might lead to acrimony.

Mr. NARENDRA KUMAR BASU: With great respect I bow to your ruling, Sir. You, Sir, permitted Mr. Suhrawardy on the other hand to develop his only argument—and if that argument goes, I am afraid there is no substance left in his speech—on the mischievous plea that it was due to the Hindu caucus that the hands of Government were forced to adopt this measure.

Mr. PRESIDENT: The House will bear me out that I applied the brake when Mr. Suhrawardy went off the rails.

Mr. NARENDRA KUMAR BASU: Unfortunately, however, I was not here at the time, but from what I could gather from newspaper reports, this was his only theme. In all humility, therefore and with due respect to you, Sir, I expected that you would not deny me the same favour to develop my points.

Mr. PRESIDENT: Certainly, so long as you do not indulge in provoking an unnecessary comparison.

Mr. NARENDRA KUMAR BASU: All right, Sir. As I have already said the total number of cases of abduction of women during the last six years was 5,673. I do not like to go into the details of these figures. Out of 5,673 cases of abduction what was the number of total convictions, year by year, of Hindus and Muhammadans combined. In the first year it was 95, in the second year 94, in the third year 112, in the fourth year 147, in the fifth year 156 and in the next 123. These are the figures of the accused of which there is a mention in the statistics, but there were many other miscreants who escaped scot-free and were not convicted. There is no use saying that whipping is a barbarous form of punishment and ought not to be inflicted on ordinary criminals. The House is aware that in the British House of Commons two Acts were passed, one in 1885—the Criminal Law Amendment Act—48-49 Vic. C. 69, during the time when a Conservative Ministry was in power. Again, in 1912 by 2 and 3, Geo. V, C. 20, additional offences were specifically enumerated for which whipping could be inflicted, and I ask the House to bear with me for one second while I read a few lines from the speeches made in the British House of Commons, during the passage of these Bills. In 1885, on the 31st July, Mr. H. H. Fowler, as he then was, said: "What he wanted to impress upon the Committee was that the character of this offence was so horrible and the injury done to the victims of it so great, and the degraded character of the man who committed it so revolting that no punishment was too severe for him, and that, in the interests of society any punishment that would best deter from the commission of the crime was a punishment they ought to adopt." I should like to remind the House that flogging in England was done by the "cat-o-nine tails" and not by a birch or rod. I shall give the relevant point presently. Mr. Fowler said: "He had no compassion or pity for such scoundrels." He should like to see them flogged. He thought flogging would not only be the proper punishment for the offence, but would have a great deterrent effect on the crime; and in this matter he was not going altogether on his own opinion. He would not rest the matter on his opinion; he would give them one or two high authorities. In the first place, take the opinion of a well-known Judge, a person no one could charge with being a sentimental Judge, but one of the strongest Judges who had ever sat on the English Bench, and who had had perhaps a larger experience in the administration of the criminal law than any one else—namely, Lord Bramwell. What did he say? He said: "If their Lordships only knew, as well as he did, who the persons were who committed these offences, they would find that, in all probability, the anticipation of a flogging would have a far greater deterring influence upon such persons than anything else; and particularly upon those who

committed it on defenceless children under the influence of a detestable superstition." Then the Earl of Shaftesbury, in the same debate, said: "He had put the question to a number of the criminal classes, and he found that they preferred months of imprisonment to one of flogging and that he believed flogging would have a more deterrent effect than any other punishment."

Then in 1912, Captain Campbell during the debate said: "I grant you that it is a horrible punishment and it may partake to a certain extent of brutality, but you can only get at the brutal instincts of a brute through his skin and in the same way as you would treat any brute or beast as a corrective of a wrong he is doing."

Then the Home Member, Mr. McKenna, during the course of his speech, said: "It is because these are peculiar offences of a cold-blooded and premeditated kind, the effect of which is the ruin of the body and soul of a fellow-creature in the course of long-carried, premeditated business, for the most sordid gains, and the effect upon other people being absolutely disregarded, that I speak as I do. If it were merely the effect of momentary passion, if it were in response to the ordinary temptations from which men suffer, if it were the temptations to which the burglar, or even the murderer, are subject, I would have a certain amount of agreement with honourable members who opposed flogging in these cases."

Sir, we all know, and the proposer of the motion ought certainly to know—he has referred us to his legal experience—that in the XXXVI Volume of the Calcutta Weekly Notes, an extract from the writings of the late Right Hon'ble Amir Ali was given and that learned Judge said that cases of gang rape, and I take it cases of abduction are not much less heinous, required severe repression and that he did propose to Government "that the penalty of death should be inflicted in these cases," but the Government turned it down. That was the opinion of one of the revered leaders of the Muhammadan community. I have attempted to show that it is more in the interests of the Muhammadan society itself than of anybody else to have these crimes put down and to say that this Bill has been brought by Government for the purpose of playing into the hands of the communally-minded Hindus against the Muhammadans is, as I have said, not only demonstrably false but a treason against the great Muhammadan community. My submission is that while the mover, in his speech, has deprecated the idea of making girls over to the Hindu Mahasabha—I have heard nothing personally of any such thing ever being done—I do submit that if the Hindu Mahasabha have ever taken such girls under their protection we ought to be proud of it.

I said that I would explain to the House why a distinction is drawn between flogging by "cat-o-nine tails" and by a birch; that is because during the debate in Parliament it was pointed out that even the

society of friends the Quakers had said, that if whipping was sought to be introduced in these cases, they would not object if it was whipping with a birch, but they would object to whipping by "cat-o-nine tails" because it was more severe and drew blood in every case. Therefore, I submit that there is practical unanimity amongst all classes of men who have the slightest regard for women to try whipping as a means to stop this sort of offence, and I submit it does not lie in the mouth of any member of this House to say that there is no public opinion in favour of this statute. If there is one Bill to which I can give my unqualified and whole-hearted support it is this, and I gladly do so. I do not deny the undoubted right of any member of this House, least of all of Mr. Suhrawardy to speak on behalf of miscreants, smugglers and abductors, but I submit that it is certainly not open to him to make the suggestion he did. We all know that his professed dislike of turning things into communal issues is absolutely a piece of eyewash. He has been doing it as long as I have been a member of this House, and I do not know for how many years before, but we all know that his nature is like that of the South American lizard which wallows in mire and spits out venom against all who go near it. He has been doing this in the present case also. But I do assert that when he says that this Bill is not to the benefit of the Muhammadan community but against the Muhammadan community he either does not know what he is talking about or what he says is demonstrably false.

Maulvi ABDUL KARIM: It is extremely to be regretted that in a matter in which there ought to have been perfect unanimity, irrespective of creed and community, there should have unfortunately arisen most uncalled for difference. I am not willing to add to the acrimonious controversy that seems to me to be far from creditable to the House.

No true religion, to my mind, can minimise the criminality of the offence that is proposed to be tackled with. As for Islamic injunctions regarding sexual immorality, I am afraid the so-called civilised modern notions of social jurisprudence will simply shudder at the severity; I refrain from detailing the drastic punishments prescribed by the Holy Quoran for such crimes lest I should be looked upon as a barbarian among so many "civilised" and ultra-modern gentlemen. Had it not been for the lamentable laxity in morals tolerated, and in some cases even caused, by so-called present-day civilisation, no occasion would have arisen for the controversy that is embittering our feelings in this House.

Taking things as they are, it is most desirable, nay essentially necessary, that effective steps should be taken to put down such heinous crimes. It is most unfortunate, however, that an element of what is called communalism should have crept into the discussion of such an important matter. I cannot persuade myself to believe that the

sponsor of the proposed measure, who is a great admirer of the Prophet of Islam, ever thought that there was any likelihood of its being abused in the manner of which some indication has been given. What can be more reprehensible than that such a measure should be used by designing people for a vindictive purpose. Exaggerations are made and undue and un-called for prominence is given in the Press and platform by one community to the crimes committed by the ruffians in the other. Need I remind those concerned that the more such ugly things are publicly discussed the more the atmosphere is vitiated. Had there been no bitterness and exaggeration it might not have been altogether a disservice to the cause of morality. But the spirit that prompts present propaganda in a certain section of the Press and platforms cannot but be severely condemned.

It is not at all unnatural that presence of young widows should tempt morally weak people to go astray. Human nature is everywhere human nature. It is unfortunate that in this country most people in one community and some in the other are opposed to widow marriage. As long as the present state of things continues, it will be very difficult to wipe out the evil.

As to the savagery of severe punishment in the case of an extremely heinous crime what may look savage to one may be regarded as a religious necessity by another. What about the savagery of the crime itself and the worst savagery of the beastialities and even murders that often accompany it?

May I ask in all seriousness should petty objection weigh with us when combined efforts are essential to the meeting of a situation that is so very discreditable, nay disgraceful to all concerned? Should we not sink our differences and combine and co-operate in purging the country of a crime that is so very heinous both to God and man and the victims as well as the offenders of which come from both the communities as statistics undeniably prove?

There can be no question as to the urgency of devising means to check such evils. But as these have prevailed so long a little delay might not matter much. If the proposal for circulation is merely a plea for shelving or indefinitely postponing, it cannot be supported. In view, however, of the keenness for circulation shown by a number of members, I would appeal to Sir Brojendra to agree to the Bill being taken up at the end of the Budget session. I need hardly say that it is most desirable that such a measure should be dispassionately deliberated upon in a calm atmosphere. If after thorough discussion it is found that the proposed punishment would really prove more deterrent than what has already been provided by the existing law, then it may be adopted without hesitation.

Mr. B. C. CHATTERJEE: I have come from my bed of illness simply to get this chance of saying a few words by way of an appeal to my Muhammadan countrymen not to insist on circulation and delay. It touches the personal honour of every Bengali, be he a Hindu or be he a Muhammadan, if a single woman—if a single Bengali woman, Hindu or Muhammadan—is dishonoured in Bengal. The honour of Bengali woman is the special subject, the special matter, of our individual care. A Muhammadan is just as much dishonoured, if violent hands are laid on a Bengali woman as a Hindu. In a matter like this there could be no communal question. Many of my Muhammadan friends will remember, and I remember very well, that in the very first session of my entry into this Council, I brought this matter up for the consideration of Government, and Mr. Moberly, who was then the Home Member, promised to do all he could in the matter of having these crimes specially detected and punished; and I cannot remember a single Muhammadan countrymen of mine who in any way showed his opposition to the appeal I then made to Government to tackle this problem. Knowing my Muhammadan countrymen, who are sitting here, as I do I cannot for the life of me believe that any one of them can be less jealous of the honour of their country-women, Hindu and Muhammadan, than any Hindu. Unfortunately, during the last year or so, ever since the promulgation of the Communal Award, Hindus and Muhammadans have been drifting apart, and I regret to say that even on a question like this the communal poison has entered the soul of my esteemed friend, Mr. Suhrawardy, and made him stray from the strict path of political rectitude, of patriotism, of devotion to duty, and the obligation that he is under to see, as much as any other Bengali, that the honour of the Bengali woman is protected. I am sure it is a temporary aberration, and I appeal to him and my Muhammadan countrymen to go and vote for this measure in order to show that when the communal award gets going, when they are vested with the sovereign rights of Government in Bengal, they shall afford our women, Hindu and Muhammadan, protection. You are the future rulers of the country, you are going to be the rulers of Bengal under the new order of things; and to-day is your chance of showing that you will afford Bengal's women the protection which they have claimed from the British and got from them. It is a testing piece of legislation.

Maulvi ABUL QUASEM: Nothing of the kind.

Mr. B. C. CHATTERJEE: Let me tell my friend who has made that muscular interruption that it is so. You have to decide now whether you will have the Bengal Hindu loyally collaborating with you or not. A British statesman, who shall be nameless, once explained

to me the Communal Award as being an effort to make the Hindus realise what it would mean to go under Muhammadans, and make them eventually squeal back for the British. If the Muhammadans make the Hindus squeal back for the British, they will be the greatest losers. Providence has placed in their hands a wonderful opportunity—plentitude of power—the right to govern Bengal. To-day will decide whether they are fit to govern, and I appeal to them to go and support the hon'ble mover of the Bill to a man.

The Hon'ble Sir BROJENDRA LAL MITTER: The motion for circulation has been supported on three grounds—first, that there is no demand in the country, secondly, that it is a hasty measure and Government have been stampeded into it and, thirdly, that no opinions have been obtained on this measure. It is necessary for me in view of these grounds to state the history of whipping in this country. The Whipping Act was passed so far back as 1864 and not in 1909. After the Whipping Act was passed in 1864, that is shortly after the Penal Code was enacted, Chief Justice Norman said this: "The Indian Penal Code and the Criminal Procedure Code must be read as if the Whipping Act formed a part of the Penal Code from the date of its enactment." In 1895 the Act of 1864 was amended by adding some more offences to it. That was Act III of 1895. Then, in 1905, the Government of India enquired *inter alia* for what classes of offences the experience of the operation of the Whipping Act showed that whipping was regarded as an appropriate punishment. After consulting various officers and various public bodies, the Government of Bengal informed the Government of India that whipping was very often the most appropriate punishment for the offences already mentioned in section 2 of the Whipping Act of 1864 and the Government of Bengal also recommended that the offence of rape should be added to that section. Then after further enquiry and investigation the Government of India passed Act IV of 1909 which was a consolidating and amending Act; rape was added to the list of offences. Government kept an eye on the operation of whipping in deterring the offences for which the Act of 1909 was passed. The matter was fully examined again in 1920 at the instance of the Government of India, with reference to whipping both as a judicial punishment as well as a jail penalty. Then, in 1921, the Government of India issued a notification by which they specified the offences punishable by whipping under enactments, both general and provincial, province by province. There are several enactments, except the Penal Code, which provide for whipping as a penalty, and all these were notified by the Government of India in 1921. Then, Sir, in 1923 the matter was again examined by the Government of India in connection with the revision of the Criminal Procedure Code with reference to the abolition of racial discrimination. In 1933 the resolution of the Government of Bengal on the Police Administration

Report for 1933 mentioned this matter. I shall read a passage from that resolution: "It is deplorable that offences against women coming under sections 366 and 354 of the Indian Penal Code again show an increase." Then, after giving figures the resolution goes on to say: "This increase was not by any means universal and was confined to certain districts, particularly Rajshahi, Howrah and Tippera, and there is some satisfaction in the fact that other districts, particularly Dacca, Mymensingh and Midnapore, showed a decline. In 1932, Nadia, Burdwan and Hooghly were the worst offenders. The matter is one which continues to engage the attention of the Government and the question whether the Whipping Act of 1909 should not be amended so as to make the offenders liable to punishment of whipping is now under examination. The attention of local officers will be drawn to the necessity of putting down the evil in those districts where the number of cases shows an increase." I am showing this for the purpose of informing the House that this is not a hasty measure and that Government have been regularly examining this question from time to time and have been vigilant. After this resolution of the Government of Bengal, Sir William Prentice took up this matter in earnest, and in September, 1933, he recorded: "During the discussion in last Legislative Council it was suggested that offences against women should be punishable with flogging." Then in October, he recorded the following. "There is undoubtedly a demand for more drastic punishments in the case of offences against women and even *bhadraloks* talk of awarding sentences of whipping. The question is whether we should take action to amend the Whipping Act for this purpose." Even in 1933 after the matter had been raised in this Council, Government came to the conclusion that there was a definite demand for extending whipping to offences against women. The next thing to which I shall refer is His Excellency the Governor's address at the Police Parade at Dacca. His Excellency said: "There are no doubt too many offences of this nature and representations on the subject have recently been made to me from quarters that are in no way unfriendly to Government. You will remember that as long ago as 1930 a circular letter was issued impressing upon officers the necessity of doing all they could to bring to justice those (of whatever community) who resorted to this form of offence." Then His Excellency went on giving figures, community by community into which I need not enter. My point is that not only was there a demand, but His Excellency said that too many offences of this nature were being committed and representations had been made to him from responsible quarters. Then, I find on a reference to the Proceedings of the Council that in almost every session of the Council questions had been asked as to what Government were doing to check the increase of offences against women, and whipping was definitely suggested as the deterrent punishment which might be resorted to. I need not refer to the questions and answers which were

given. The step which Sir William Prentice took was not merely to be satisfied with recording a note that these offences were on the increase and that a definite demand had been made for deterrent punishment, but he instituted an enquiry. This enquiry was made in every district. A circular letter was issued to all the Commissioners requesting them not merely to give their individual views, but to consult responsible citizens and responsible associations as regards these offences and the propriety of making whipping an additional penalty in these cases. I shall read an extract from the letter that was issued: "At present under section 4 (*a*) of the Whipping Act, 1909 (Act IV of 1909), whoever abets, commits or attempts to commit rape as defined in section 375 of the Indian Penal Code is punishable with whipping in lieu of or in addition to other punishment provided under the Code. It has been suggested that the Act might be usefully amended in order to impose a sentence of whipping for abetting, committing or attempting to commit offences under sections 354, 366, 366A, 366B, 367, 372 and 373 of the Indian Penal Code. In order to enable Government to come to a decision whether or not permission should be sought to amend the Whipping Act on the lines proposed, I am to request that you will be so good as to furnish Government at an early date with your views on the subject after ascertaining non-official as well as official opinion in the matter." That was the circular letter, and we got replies from all the five Commissioners, and I shall briefly refer to their opinion. The Commissioner of the Burdwan Division says: "I have the honour to say that the District Magistrates in this division are unanimously of opinion that the provisions of the Whipping Act should be extended to the offences against women enumerated in paragraph 2 of your letter." Then he goes into details. In the second paragraph of his letter he says that "the bulk of non-officials in the districts of this division seem to be in favour of the proposed amendment"; and in the last paragraph he goes on to say "personally, I am on the whole in favour of the proposed amendment." Next, the Commissioner of the Chittagong Division says: "The District Magistrates of this division are of opinion, after ascertaining official and non-official views on the subject, that the amendment proposed in your letter under reference is desirable. I am also of the same opinion." I shall read one passage from the opinion of the Deputy Commissioner, Chittagong Hill Tracts. He says: "I have the honour to state that such crimes are increasing rapidly in this district as elsewhere and mere imprisonment is not sufficient to check them. I am, therefore, of opinion that the section 4 (*a*) of the Whipping Act, 1909, should be so amended as would make offences under sections 354, 366, 366A, 366B, 367, 372 and 373 of the Indian Penal Code punishable with flogging in addition to other punishment provided under the Code." The Commissioner of the Dacca Division says: "The Magistrate of Faridpur reports that the general concensus of opinion is in favour of amending the Whipping Act."

Then as regards the question about false cases, he says that "these considerations seem to me to be irrelevant. The courts may be trusted to sift the true from the false and to award a punishment of whipping only when it is appropriate. To my mind bodily punishment is peculiarly appropriate for an offence of this nature committed for bodily gratification." In this connection I shall read one or two sentences from the letter of the District Magistrate of Faridpur. He says: "I have consulted Magistrates and Honorary Magistrates, the Government Pleader, Assistant Government Pleader, Public Prosecutor and Chairmen of the District Board and Municipality, Faridpur, and have also ascertained the views of the Pleaders and Muktears' Bar Associations and the local Anjuman-i-Islamia. The Subdivisional Officers, both at Sadar and the outlying subdivisions, consulted official and non-official opinion before forwarding their replies. The general concensus of opinion is in favour of amending the Whipping Act on the lines proposed. In my opinion, so long as the Whipping Act remains on the statute book it is desirable that a punishment of whipping in lieu of or in addition to other punishment provided in the Penal Code should be provided for abetting, committing or attempting to commit offences under sections 366, 366A, 366B, 367, 372 and 373 of the Indian Penal Code. I do not consider that the objection against the provision of whipping in the case of sections 366 and 367 are valid since it is to be presumed that no sentence of whipping will be carried out until the time has expired within which any appeal against conviction and sentence may be preferred and disposed of."

Sir, that is the opinion from the Dacca Division. The District Magistrate of Mymensingh said this: "Of the six Subdivisional Officers, as many as five are unequivocally in favour of the proposed amendment as being necessary and desirable, except in respect of offences under section 354." I may say here that section 354 is not in our Bill. "About section 354 opinion is divided. The remaining Subdivisional Officer, who incidentally is the youngest and the least experienced, says that persons who commit crimes against women are seldom afraid of going to jail, and he was sure that the fear of whipping would have a very salutary effect on them; he also admitted that there is a growing menace of crimes against women which needs to be eradicated and that deterrent sentences are necessary for this reason." Then after analysing the various opinions the District Magistrate goes on to say: "I argee with the majority."

Then I come to the Commissioner of the Rajshahi Division, who says this: "District Officers in this division were consulted. Non-official as well as official opinion was ascertained as far as possible. The general view of both officials and non-officials is strongly in favour of the amendment of the Whipping Act of 1909 so that the sentence of whipping may be imposed for abetting, committing, or attempting

to commit offences against women under sections so-and-so" and then those sections are mentioned. "My opinion is that in spite of the disgust which the idea of whipping must arouse in the civilised mind, it is the only possible means of diminishing this kind of crime and that the amendment therefore is desirable." That, Sir, comes from the Commissioner of the Rajshahi Division. The last is from the Commissioner of the Presidency Division, who says this: "With reference to Government letter Nos. 8092-8096J., dated the 10th November, 1933, I have the honour to state that the consensus of opinion, both of officials and non-officials, who were consulted in the matter, is in favour of the proposed amendment." Then he goes on to say: "Among the associations consulted, the Murshidabad Muhammadan Association considers that whipping should be inflicted for offences under sections 354, 366, 376, 497, and 498 of the Indian Penal Code." Finally, he says: "I am strongly in favour of the amendment of the Whipping Act, so that the offences mentioned in your letter should be punishable with flogging in lieu of, or in addition to, the other punishment provided under the Indian Penal Code."

This, Sir, is the opinion of the five Commissioners who consulted District Magistrates in their divisions, and who, in their turn, had consulted both official and non-official opinion, with the result that an overhelming majority is in favour of the measure which is before the House. This, Sir, is my answer to the charge that the Bill is a hasty measure, that nobody has been consulted, and that Government was being stampeded into passing this legislation and so on. My answer is that Government has been vigilant over this matter for years and years; all its officers had been warned that they should keep an eye on these offences. Official and non-official opinion has been consulted. All possible enquiries were made, and an overhelming body of opinion is in favour of extending the punishment of whipping to the offences mentioned in the Bill.

Sir, in this matter there is no communal element. The victims of lust and greed—it is not merely lust but greed also—come from both the communities, and the offenders also come from both the communities. It is a humane measure for the protection of the women of all communities. It is no question of Muhammadan aggressors and Hindu victims, or Hindu aggressors and Muhammadan victims. This communal poison has been introduced in this House; it was never mentioned by any of the Commissioners or by any of the Magistrates. From the facts that I have stated it is quite clear that the time has come when Government must do something to afford protection to the victims of lust and greed belonging to both the communities. Sir, I have dealt with all the arguments in favour of circulation: what shall we gain by further circulation? These are all recent opinions; they were collected during the last two years and therefore no purpose will be served by further circulation.

I now come to Mr. Suhrawardy's speech. The whole of his speech was against the principle of the Bill. He did not adduce any single argument in favour of his own motion for circulation. What were his arguments? His first argument was that whipping was a barbarous punishment and against the criminal jurisprudence of any civilised country. My friend Mr. Narendra Kumar Basu has already referred to the English law on the subject, and if any member be curious to pursue the matter further I refer him to page 214 of Russell on Crimes. There he will find a long list of English statutes under which whipping is a penalty. I suppose Mr. Abul Quasem will not deny the fact that England is a civilised country. It is not that whipping as a punishment finds a place in the old statutes only, but it is in statutes of recent dates; they are being amended from time to time and new offences are being added, when they could not be checked by the infliction of mere imprisonment. This, Sir, has been the course of English law on the subject. I do not want to go into the jurisprudence of other countries.

Mr. Suhrawardy's next argument was that there has been no demand for this legislation in the country. His third argument was that public opinion was against it. I have shown, on the contrary, that public opinion, in so far as Government had been able to collect public opinion through its officers, has been overwhelmingly in favour of the measure. His next argument was that there was risk of miscarriage of justice particularly when the offender belonged to one community and the victim to another. Sir, my short answer to that is that he must trust our judiciary, otherwise the whole structure of Government will come to pieces. We must trust our Magistrates and Judges to sift the false from the true cases (MR. NARENDRA KUMAR BASU: Make Mr. Suhrawardy a Judge and it will be all right.) and award the appropriate punishment when punishment was due.

Sir, the most outrageous statement that Mr. Suhrawardy made was that the main purpose of our Bill was to provide vindictive punishment against the Muslims. (MR. NARENDRA KUMAR BASU: This is all due to your not having made him a Judge.) I entirely repudiate that suggestion, Sir.

Before I sit down I want to say one word more with regard to Mr. Suhrawardy's unfortunate speech. The thread of communal hatred ran through the whole of that speech. It was not made in the heat of passion; he read out his speech from a typed or manuscript copy; nor was he provoked in any way, because when I moved my motion for consideration of the Bill I made no speech, nor anybody else had made any speech. His was the first speech on this measure. So, unprovoked, he made that speech which he had carefully prepared beforehand. And he not merely read out the speech, but he did so with an air of bravado and with considerable flourish. That is what he did, and why? Why did he introduce communal poison into this matter? Sir, it is the

curse of our public life in this province that we cannot discuss any question, however grave, without introducing the poison of communal hatred. It is a positive curse. We, Sir, are on the eve of assuming responsibility for the governance of the province, and it is time that we cultivated a little sobriety of spirit and put a little restraint on our tongues. Mr. Suhrawardy might have found satisfaction in pouring out the vials of his hate of the Hindus. But his speech was entirely irrelevant to his own motion; it was a speech for rejecting the Bill and not for circulating it. He objected to the Bill all through—its principle, provisions, and everything. Sir, the matter is more serious. That sort of speech is indeed derogatory to the dignity of the House; and hon'ble members who listened to it or read reports thereof in the papers must have been struck by the intemperate language used and the objectionable feeling displayed in it. It certainly did little credit to Mr. Suhrawardy's mental equilibrium. His assumptions, as I have shown, were unfounded, and his conclusions were wrong. Such a speech might be useful at street corners, in winning cheap applause; but it was quite out of place in this House. (Here! hear!) Sir, Mr. Suhrawardy mistook his venue.

I oppose the motion for circulation. (MAULVI ABUL QUASEM: But he spoke from his own experience.)

The motion of Mr. H. S. Suhrawardy that the Bengal Whipping Bill, 1936, be circulated for the purpose of eliciting opinion thereon by the 15th March, 1936, being put, a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Nurul Absar.
Essorji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hussain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur-.
Rahman, Maulvi Aziaur.
Shah, Maulvi Abdul Hamid.
Solaiman, Maulvi Muhammad.
Tarafder, Maulvi Rafiu Uddin.

NOES.

Armstrong, Mr. W. L.
Bal, Rai Sahib Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Babu Premhari.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Basu, Mr. S.
Bose, Mr. S. M.
Chatterjee, Mr. S. C.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Chokhany, Rai Bahadur Ram Dev.
Cohen, Mr. D. J.
Das, Babu Surapresad.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Faroqui, the Hon'ble Nawab Sir Mohiuddin, of Rajnagar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Haider, Mr. S. K.
Hogg, Mr. G. P.

Hooper, Mr. C. R.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Kinderslay, Mr. J. B.
Maguire, Mr. L. T.
Mallik, Mr. R.
Mitter, Mr. B. R.
Mitter, the Hon'ble Sir Brojendra Lal.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Rev. B. A.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nicholl, Mr. G. K.
Poddar, Mr. Ananda Mohan.
Porter, Mr. A. E.
Raheem, Mr. A.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. G.
Reid, the Hon'ble Sir Robert.
Rosburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Rai Bahadur Ram Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Bahadur Akshoy Kumar.
Sen, Rai Bahadur Jogesh Chandra.
Shahabuddin, the Hon'ble Mr. Khwaja.
Singha, Babu Kshetra Nath.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Woodhead, the Hon'ble Sir John.

The Ayes being 17 and Noes 68, the motion was lost.

(The Council then adjourned for fifteen minutes for prayer.)

The question that the Bengal Whipping Bill, 1936, be taken into consideration was put and agreed.

Clause 1.

The question that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Maulvi TAMIZUDDIN KHAN: I beg to move that for clause 2(*a*), the following be substituted, namely:—

"(*a*) abets, commits or attempts to commit in respect of any female person an offence punishable under section 366 of the Indian Penal Code."

The provision in the Bill is that the punishment of whipping should be restricted to certain classes of offence committed under section 366 of the Indian Penal Code. When a man commits an offence under section 366, in respect of a female person without being a member of a gang, then he is not to be punishable with whipping. I submit, Sir, that there does not seem to be any valid reason in restricting the punishment of whipping only to these aggravated cases under section 366. In this connection I would refer to the gratuitous advice which my esteemed friend Mr. B. C. Chatterjee gave to the Muslim members of this House. I hope that Mr. Chatterjee, the lawyer, will be as generous in giving his advice gratis to the poor members of my community when they seek his advice outside the Council.

Mr. B. C. CHATTERJEE: It is irrelevant, Sir.

Maulvi TAMIZUDDIN KHAN: However, good advice is always welcome, but I protest with all the emphasis I command against the insinuation that lies at the bottom of the advice which Mr. Chatterjee gave to the Muslim members of this House.

Mr. PRESIDENT: Please speak on your amendment.

Maulvi TAMIZUDDIN KHAN: I would say that my amendment is a reply to the advice which my hon'ble friend gave to the Muslim members of the House. My friend asked us to be as keen about the honour of our women as he himself and other Hindu members of the House are.

Mr. B. C. CHATTERJEE: On a point of order, Sir. I said I am sure you are as keen as we are; that is what I said.

Maulvi TAMIZUDDIN KHAN: I say, Sir, that on a simple motion of circulation some members for some reason or other——

Mr. PRESIDENT: Please confine your remarks to your amendment and tell us how the change you propose would improve matters.

Maulvi TAMIZUDDIN KHAN: I would indicate, I submit, Sir, that the Muslim members, or some of the Muslim members who will support my amendment, are more keen about the honour of our women than many may think.

Mr. PRESIDENT: You are making general observations again. I want you to speak on the amendment before the House.

Maulvi TAMIZUDDIN KHAN: All right, Sir. If you want me not to refer to it at all I will not do it. My motion is, as I have already said, that the punishment of whipping should be awarded or should be made awardable also in the case of individual criminals. If a man commits crime in respect of a female person under section 366 without being a member of a conspiracy or without being a member of a gang, I do not see why the more deterrent punishment of whipping should not be awarded in that case; why an exception be made in the case of a person who, though not a member of a gang, is still a culprit and is so brutal as to commit an offence under section 366 in respect of a female person. I think the view of the Government was that the punishment of whipping should be awarded only in the case of certain aggravated crimes, that is, when more than one person combined together to commit an offence under section 366 on a female person,

the punishment of whipping should be awarded. I do not see why there should be any clemency shown to a culprit who, though not a member of the gang, is yet criminal enough to commit offence under section 366 on a female person. I would rather be a whole-hogger in matters like this. If you want to put a check to crimes of this nature, I do not see why you should have a soft corner for individual criminals. Everyone knows that in a large percentage of cases under section 366 the criminals are single individuals and not members of gangs. These criminals also should be brought under the purview of this legislation. I think the House will find it possible to accept my amendment and make the punishment of whipping applicable to all cases under section 366 whenever an offence on a female person is committed, be he a member of a gang or an individual criminal.

Mr. T. J. Y. ROXBURGH: There is an example where an extra punishment is given for an offence committed by a gang in the case of dacoity in section 391, house breaking, robbery or theft and there is this extra punishment for sexual crimes. It seems to me that we could stop short at 366 where there is a gang and not where there is an individual. As Mr. Suhrawardy pointed out in fact there are very few of these cases where a gang is not involved. It is very rarely that kidnapping or abduction is done by one man, but still it seems reasonable to stop short there and to provide that this severe punishment should be inflicted in the case of a gang only. So the amendment is not acceptable.

The motion was put and lost.

Maulvi ABUL QUASEM: With your permission, Sir, I would like to move my two amendments together, Nos. 8 and 9. My purpose is to omit clause 2(*b*).

Mr. PRESIDENT: Yes.

Maulvi ABUL QUASEM: I beg to move that in clause 2(*a*) at the end the word "or" be omitted and that clause 2(*b*) be omitted.

In my speech the other day in support of the motion for circulation of the Bill I proceeded on a line which was entirely free from all communal or controversial matter. I proceeded on a line of my own. My simple line was this: That there was already provision for the infliction of the punishment of whipping in respect of a very heinous offence against women, namely, rape. I ask this simple question of the Hon'ble Member: During the 28 years that the Indian Whipping Act has been enforced (he has told us that the Indian Whipping Act dates back to the sixties of the last century and this fact will help my point and not hinder it in the least) on how many occasions has it been

applied against the crime of rape? The point is that whipping has been in existence as a possible form of punishment in connection with the offence of rape. I put this simple question to the Hon'ble Member. Can you prove by statistics that as a result of the existence and application of this particular form of punishment, which is now proclaimed to be the panacea, that the crime of rape has really diminished? Has rape, as a matter of fact, been diminished as a result of the provision of this form of punishment in the Indian Whipping Act of 1909? It would be very interesting to know in how many cases of rape the Judges have, as a matter of fact, availed themselves of the provisions of the Indian Whipping Act. If they have not availed themselves of the Whipping Act, what was the reason that deterred them from applying the punishment of whipping? When we find such a provision in the statute book may we not pertinently ask——

Mr. PRESIDENT: On which of the two amendments are you making your remarks?

Maulvi ABUL QUASEM: My first amendment is merely verbal and consequential. My remarks apply mainly to my second amendment.

Mr. PRESIDENT: Why do you want to make these changes?

Maulvi ABUL QUASEM: My point is that whipping has not proved to be so efficacious a remedy as the Government think it to be. Therefore, my point is that it should not be extended to offences other than those which Government say are on the increase. I want to restrict its scope as much as possible. I do not believe in the efficacy of whipping as the only deterrent punishment; that is my point. We have heard many angry speeches on the floor of this House this afternoon and a particular member who is absent now unfortunately made a speech the other day which has been found fault with——

Mr. PRESIDENT: I cannot allow you to reopen that.

Maulvi ABUL QUASEM: These things do come up.

Mr. PRESIDENT: No, they do not. I am positive about that.

Maulvi ABUL QUASEM: A member was saying we are deviating from the path of rectitude and patriotism and so——

Mr. PRESIDENT: Order, order. I cannot allow you to reopen a matter that has already been closed, nor is it possible for me to allow general observations to be made at this stage. We are now taking up

the Bill clause by clause and we are dealing with amendments relating to the clauses of the Bill. Members must confine themselves to the amendments that are before the House. You cannot go beyond the scope of your amendment.

Maulvi ABUL QUASEM: I was making these observations to clear some remarks that have already been made——

Mr. PRESIDENT: It is not necessary and I cannot allow you to do that.

Maulvi ABUL QUASEM: I only submit that Sir B. L. Mitter said that I was overconfident and that I was cocksure. That is not a true statement of fact. I never said that flogging did not prevail in Bengal——

Mr. PRESIDENT: Order, order. I cannot allow you to go on like this. Will you please resume your seat. You are not following my advice or ruling. Unless you are able to do that, I think it will be impossible for me to allow you to proceed any further. I do not want you to catch me napping. I know you speak very fast, but that won't help you.

Maulvi ABUL QUASEM: I say that Government have told this House nothing that will convince any member that flogging has proved by experience to be a really deterrent punishment in respect of crimes of this nature. Government cannot ask this House reasonably in view of the experience that they have gained in connection with rape that it should be extended to other offences as well. Therefore, I wish seriously to restrict the scope of whipping as much as possible and simply for the sake of satisfying a passing feeling of a section of the public, we should not burden our statute book with a punishment which I submit has not proved effective during the last 28 years that it has been in vogue. Then I do submit that some of these offences——

Mr. PRESIDENT: One word—that is why you propose to omit 2(*b*)? What about the other?

Maulvi ABUL QUASEM: The other one is consequential.

Now, let us see the offences which are sought to be punished under clause 2(*b*). What are those offences? One is procuration of minor girls under 18. May I submit for the consideration of this House and many members may not know probably that very heinous offences may be committed by a woman against women, but she cannot be subjected to the punishment of whipping. So far as procuration of minor girls

is concerned, women as well as men are implicated. Are you going really to make an offence of this nature abate by simply punishing men alone with whipping? How can that be? If your idea is to elevate the society, how can you do that by attacking a section of the offenders only? Cases have cropped up where women who are hardened against all feelings of humanity have committed this offence of procuration, and the highest court of law in the land have sentenced them to ordinary punishment. If they cannot be subjected to whipping, so far as the offence of procuration is concerned, then this crime will go on unchecked. If the idea is that whipping has been found to be the panacea, why should not women who are hardened criminals be punished also with whipping? If as a result of leaving offending women unaffected the crime is going to flourish as before, what is the use of adding this punishment as a deterrent one. Then, as regards section 366B which deals with importation of girls from foreign countries; Bengal seems to think ahead of any other province in this respect. Importation of girls from abroad affects the whole of India, and the Government of India should be the proper Government to deal with this crime. The Government of India seem to be entirely indifferent in this matter. Are girls imported from abroad into Bengal alone? Are people of Bengal alone greedy of this enjoyment? Why should the Bengal Government alone wake up and provide against commission of such crimes? Has the crime assumed serious proportions in Bengal? Then, I come to section 367 which deals with kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc. Section 367 provides that whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Here the only thing of importance to be noticed is unnatural lust and the offence relates both to women and men, but so far as the Government's proposal as embodied in clause 2(*b*) is concerned, it is only when the offence will touch women that the offence will be punishable. There may be a girl of 8 years of age and a boy of 8 years, and so far as this sort of crime is concerned both stand on the same footing. If the offence committed in respect of a girl is a heinous offence and should be punishable with whipping, why should not the offence committed in respect of a boy be equally punishable? Why should there be a distinction drawn between the two? Why should Government exempt persons found guilty in respect of an unnatural offence against a minor boy from the operation of the Whipping Act? Then, I come to section 372 which deals with selling minors for purposes of prostitution, etc. Already under the Indian Whipping Act, theft, burglary, house-breaking, dacoity, etc., may be punished

with whipping in addition to other punishments. May I ask whether these offences have diminished as a result of whipping being inflicted as an additional punishment? Have Government produced any evidence to show that whipping has as a matter of fact had the desired effect? Had they done so, that alone could have convinced the members of this House of the necessity of such a measure as proposed by Government. I said the other day that in civilised countries modern thought in penology was changing from the direction of retaliation to the direction of reform. My submission is this, that in the law that already exists sufficient punishment is provided for these offences, and if the law is set in motion vigorously by the machinery which is there for the purpose, then these crimes ought to diminish and not increase. If these crimes are really increasing, the conclusion should be that the agents of law are not doing their duty efficiently. I think the ordinary punishment that the law at present provides is quite sufficient. When a man is convicted, and sent to prison, he is sufficiently punished. When he comes out of the prison after serving his term of imprisonment, he is a ruined man. That ought to be deterrent enough to any potential wrongdoer. If all these are not deterrent and if whipping is considered to be the only deterrent punishment, I would suggest that all other modes of punishment provided in the Indian Penal Code should be done away with and the State should be spared the huge cost of maintaining jails. If it is thought that whipping would at once bring about transformation of character and effectively deter wrongdoers, why should not whipping be the only form of punishment resorted to in respect of all offences, and why should other punishments be given prominence? Government have not shown that so far as the offences enumerated in clause 2(*b*) of the Bill are concerned, there is really any serious or abnormal increase in them which calls for a drastic remedy. I have shown that other provinces as well are concerned in this matter. There is for instance the province of the Punjab where trafficking in women certainly prevails to a more aggravated extent than in Bengal. No one has heard that the Punjab Government have introduced such a measure providing whipping as a deterrent punishment for these offences. I would once again ask the Hon'ble Member in charge: Where is the evidence, clear and unambiguous, that whipping has as a matter of fact proved effective as a deterrent punishment in the case of rape? When the Hon'ble Member was speaking about it, he seemed to me to forget the existence of the punishment of whipping so far as rape was concerned; the punishment was already there in the Whipping Act. It struck me as if he was talking of a new extension of whipping to offences against women. He might have said it was a further extension and not a new extension. Sir, if he could have shown that flogging in cases of rape had had the desired effect and that there was a visible sign of decrease in the number of cases of such offence, I could understand the proposal of Government.

Mr. NARENDRA KUMAR BASU: Sir, in rising to oppose the amendment I am placed in rather a difficult position, because I do not understand either the view-point of the hon'ble mover or his reasons. He wants clause 2 (*b*) to be deleted, that is to say, he wants to leave clause 2 (*a*) as it is, that is to say, when there is a concerted or joint abduction, he concedes that whipping may be inflicted, but in the case of such offences as procuration or importation of girls from foreign countries, kidnapping or abducting a person in order to subject that person to grievous hurt, slavery, etc., selling minors for purposes of prostitution and buying minors for purposes of prostitution, etc., he does not want whipping to be one of the punishments, because as far as I could understand him his reasons were two. He says there may be male as well as female offenders. As you do not allow the whipping of female offenders, you must not punish the male offenders. That is his first reason. His second reason was that because other provinces have not adopted such a legislation therefore Bengal ought not to adopt it. Well, we know Bengal was leading the other provinces up till recent times though we might have lost that position at the present moment, and I do not see any reason why if a crime of this nature is rampant in Bengal, we should not try to take steps to prevent it. In my submission if Bengal adopts this legislation to-day, the other provinces are very much likely to fall into line with Bengal to-morrow. I do not understand why these offences are not to be included until the Government or the Hon'ble Member in charge can demonstrate that by the threat of whipping these offences would diminish. I submit there is no Government composed of human beings which can possibly do that. Of course, there is the experience of foreign countries where these offences are punishable with whipping, and if there is any result to be gained from the experience of England, I submit that this clause ought to be retained.

Mr. S. M. BOSE: The hon'ble mover of the amendment has asked why this Bill is being passed; has there been any increase in the number of offences against women? I say "yes". From official figures supplied in September, 1932, it appears that the number of women abducted, etc., in 1926 was 982, whereas in 1931 it was 1,162. That clearly shows that there has been a great increase in the number of such offences.

I am sorry Mr. Quasem has again said that the punishment of whipping is ineffective and out of date. May I refer him—as he is a lawyer—to the Halsbury's Laws of England, 2nd edition, Volume 9, Article 323, where the offences punished by whipping under the English law are summarised? Offences against women are among those so punished. For instance, under the Criminal Law Amendment Act, 1885 (48 and 4a Vic. C. 69, section 2), as amended in 1912 (by 2 and 3 Geo. 5, C. 20, section 3) a male person procuring or attempting

to procure a woman to become a common prostitute is guilty of misdemeanour punishable, in addition to imprisonment, by whipping; a person convicted of the offence of attempting to choke or suffocate any person with the intent of committing or enabling another to commit an indictable offence, and a person convicted of procuration or attempted procuration of a minor girl, may be sentenced to whipping. Mr. Quasem will be horrified to learn that in *R. vs. Smallbones* [see note (*d*)], a person convicted of attempting to choke a woman with intent to commit rape on her was sentenced to two whippings besides seven years' penal servitude. Again, persons convicted a second time for living on the earnings of prostitution or for persistent solicitation for immoral purposes may be sentenced to whipping. As to Mr. Quasem's point that whipping is obsolete, may I refer to a passage in Encyclopædia Britannica (14th edition, Volume 9) under "Flogging" where it is stated: "Flogging is still frequently employed, being legal in Delamare, Canada, Great Britain and some Continental and Asiatic lands as a punishment for certain crimes, chiefly assault, robbery and rape. As late as 1920, the British Parliament legalized the use of the 'cat-o-nine-tails' in flogging those convicted of robbery." I submit that the hon'ble mover has shown no reason whatsoever for his amendment.

Sir, I am entirely against the motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am absolutely at my wit's end to follow my friend Mr. S. M. Bose. Mr. Quasem does not want the deletion of clause 2 (*a*) but of clause 2 (*b*). The first argument that Mr. Bose put forward was that offences under section 366, Indian Penal Code, had increased enormously. (MR. S. M. BOSE: I referred to cases of abduction.) Abduction comes under section 366, Indian Penal Code, if I might tell Mr. Bose. Then he has tried to quote chapter and verse to show that such a barbarous thing as flogging is still in force in some backward countries like England, some Asiatic countries, and some backward areas in Canada. That, Sir, I submit, is no answer to Mr. Quasem's argument that there is a growing feeling in every civilised country against the punishment of flogging. So much about Mr. Bose's argument. (MR. B. C. CHATTERJEE: Mr. Bose's point has not been met at all.) Well, if I have not been able to meet it no one can meet it. The motion of Mr. Quasem is for the exclusion of certain offences from the punishment of whipping, and what those offences are the House has already heard. It is a very pertinent question that Mr. Quasem put: Have these offences increased phenomenally in recent years? The figures supplied by Government do not answer that question.

Then, Sir, with regard to certain offences Mr. Quasem has asked that if the existence of the sentence of whipping in the case of rape has not acted as a deterrent, and, I would go further, has not, as a

matter of fact, in practice, except in very very few cases, been inflicted in cases of rape. Sir, is it not rather illogical to ask us to extend the sentence of whipping to other offences, particularly those for which we have only recently passed what we were told at the time could be called effective legislation? Sir, it is not very long that a piece of legislation was passed by this House as an urgent piece of social legislation with great fanfare, viz., the Suppression of Immoral Traffic Act. We were told that that Act was going to put an end to immoral traffic. Has that Act been put into operation to any visible extent? Well, I do not say that that Act has not been in operation anywhere, but certainly to any visible extent it has not. Sir, what is the use of asking for powers to stop an offence if you do not want to utilize them? You have got powers under the Suppression of Immoral Traffic Act to deal with the various crimes. You have not given effect to that, and now you want to add the punishment of whipping for procuring minors for the purpose of prostitution, for the importation of women from abroad, etc. I say, Sir, that this is simply playing with legislation. Laws will not improve society: efficient administration is the thing that is wanted. Do not burden your statute book with impotent sections, sections which are not put into use. I say, Sir, that the punishment of whipping has, so far as my experience goes, gone greatly into desuetude in this country. In my experience I have never heard of an offence of rape being punished with whipping except in one or two cases. (MR. B. C. CHATTERJEE: Then, you ought to have been in Mr. Roxburgh's court.) Sir, I do not claim that enormous acquaintance with the criminal population of this country which Mr. B. C. Chatterjee has (Laughter), but I know that when I was a child I found people flogged more often than they are now, and that is a fact, Sir, which no one can possibly challenge. What I want to say is this: Do you really suggest that these new powers which you are asking for not in the case of abduction under section 366 but in the case of other offences, are really necessary?

I think, Sir, that no case has been made out up till now for this clause and for this reason I support the amendment of Maulvi Abul Quasem.

Mr. B. C. CHATTERJI: I hope Mr. Roxburgh will speak up.

Mr. T. J. Y. ROXBURGH: I am afraid I have not had much practice, but I will do my best.

Sir, some mention was made of logic in this connection, but I find some difficulty in following the logic of the mover's arguments, if there is any. The mover was apparently in favour of whipping in cases which come under section 366, but he then devoted most of

his arguments to prove that imposition of the punishment of whipping was perfectly useless. Having once conceded that whipping would be of use under section 366, it seems to me hardly logical to deny that it will be of any use in the case of other sections. It seems to me that having once agreed that we should impose the punishment of whipping under section 366, it almost logically follows that you must approve of whipping also in the case of the other sections. We are dealing with offences against women and the offences contemplated in clause 2 (*b*) of this Bill are what might be called allied offences. Originally, whipping was a punishment for rape only, and now we want to bring it down to gangs who kidnap or abduct. Having done so, it seems logical that it should apply to offences of a like nature from which it is intended to protect minors and young girls. That, Sir, is the main feature of our Bill. So, in those cases, also, you should give us the power to impose the same punishment. These sections have already been described: 366A deals with the procuration of minor girls, 366B with the importation of girls from foreign countries. You can perhaps say that this is not a common offence in Bengal, but it seems to me that if you impose the punishment of whipping in cases under section 366, you ought also to impose it in cases under section 366A, 366B, 367, 372, and 373. Logically, therefore, you cannot scale down the punishment, as there is some sort of inter-relation between these various sections. And to say that a man who has been convicted in a particularly bad case of, say, selling or buying a minor girl for purposes of prostitution is not a person who ought to be whipped seems to me to take an untenable position.

Sir, I oppose the motions.

The amendments of Maulvi Abul Quasem were put and lost.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 2 (*b*), lines 1 and 2, the words "in respect of any female person" be omitted.

Sir, my reasons have already been given and I do not want to make any fresh speech.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I cannot accept this amendment. In every country the punishment of flogging females has been abolished. It is not our law and we cannot agree to this. As has just now been pointed out by Mr. Roxburgh to me, this amendment can only refer to section 367, Indian Penal Code.

Maulvi ABUL QUASEM: No, no, that is not the point.

The Hon'ble Sir BROJENDRA LAL MITTER: Then I have not been able to understand the import of his speech.

Maulvi ABUL QUASEM: But, Sir, that is not the point. My point is that offences against both sexes should be punished. My contention is that if for an offence committed on a minor girl of eight a man is punished, why should not an offence committed on a boy of eight be dealt with in the same way?

The Hon'ble Sir BROJENDRA LAL MITTER: I understand the point. All the other sections, 366A, 366B, 372 and 373, relate to offences against women and there is only one section to which the amendment of Maulvi Abul Quasem can have application and that section is 367, that is, abducting a boy in order to subject him to grievous hurt, slavery, etc. Sir, this Bill is designed against offences against females and we are not thinking of boys at all in this section. Therefore, I cannot accept the amendment.

The amendment was put and lost.

Babu KSHETRA NATH SINGHA: Sir, I beg to move that in clause 2, in line 11, after the words "with whipping," the words "publicly" be inserted.

In moving my motion, Sir, I beg to draw the attention of the House to certain circumstances of the case. If Government is really anxious to have our grievances remedied, Government should not lag behind and do the thing in a haphazard way. In our part of the province we are suffering to a very great extent from such offences. I come from a community, Sir, which is often the victim of such outrages. My predecessor, Rai Sahib Panchanan Barma, tried all his life to save our unfortunate victims from the hands of rogues and ruffians, but did not succeed in checking the crime. Government has at last realised the situation and come to the rescue of the affected people, specially the poor people of my community. When Government has at last taken up the matter in right earnest, I appeal to them to make the punishment as deterrent as possible so as to deter the offenders from the commission of such heinous crimes in future. I know, Sir, that in some cases whipping was inflicted by courts, but the punishment was inflicted inside the jail. What I want is that this punishment should be inflicted publicly, say at a market place, so that it may have an effect on the public mind. We know, Sir, that our courts often refrain from inflicting this punishment, but we are glad to find that Government have at last come to their rescue and have definitely provided the infliction of it for offences against women. I would ask Government to proceed a step further and make the punishment of whipping public. If this is done, it will be really a deterrent punishment and will prove a remedy for such misdeeds.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I congratulate the hon'ble member on his maiden speech in this House, but I am sorry I cannot accept his amendment. Section 390 of the Criminal Procedure Code provides that when an accused is sentenced to whipping, the sentence shall be at such place and time as the court may direct. The court has a discretion in the matter. The hon'ble member wants to take away that discretion and make flogging a public affair. Sir, it is not for the benefit of the other people that this punishment is sought to be added. It is to be inflicted as a deterrent punishment on the offender and, therefore, it is immaterial whether others see it or not. We are not introducing whipping like a Spanish bull fight. Public whipping has been given up in every country, and I cannot accept the amendment.

The amendment was put and lost.

The question that clause 2 stand part of the Bill was put and agreed to.

The question that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I move that the Bill, as settled in Council, be passed.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I wish at this stage to explain my attitude towards this Bill. There is no doubt that offences of abduction of women are very much on the increase, and it requires all the vigilance of Government and all the social efforts that are possible to be made, to put a stop to this. Those who think that whipping would act as a deterrent and would put a check to the commission of such offences are mistaken, and I do not agree with them. I need not go into details about my reasons; simply I do not agree with them. Sir, this anticipation is based upon a false psychology, I think, of the man who commits this kind of offence. But at the same time, having regard to the great prevalence of the crime and having regard to the general feeling that whipping should be added to punishments already provided for, I desist from opposing the measure. But I think, Sir, we are going backward and not forward. We are playing with almost exploded ideas. We are not showing a proper sense of the social philosophy and of the personal psychology of the offender. Those are my reasons for the apprehension that this Bill will prove futile, and that the only effective way, apart from larger social programmes, of stopping the increase of this crime, is greater executive action. I am not sure that all that could be done has been done with regard to this crime, and that the efforts of the executive to check this offence and to bring the offenders to speedy justice have been fully made.

Maulvi TAMIZUDDIN KHAN: Sir, if I rise at all to support the motion of the Hon'ble Member, I do so only to disabuse the public mind about the misconception which might have arisen on account of the attitude that was taken up by some Muslim members on the motion regarding the circulation of the Bill. So far as the substance of the measure is concerned, I am in agreement with it, though I am of opinion that the Bill ought to have been circulated. I do not believe that whipping will not act as a deterrent. I do not also believe that whipping is a barbarous form of punishment. The principal aim of punishment should be how best to put a check to crimes. That being so, Sir, I believe whipping will act as a deterrent. But I am very doubtful whether Government or other persons concerned in the matter, after the measure has been passed, will be as keen about it as they seem to be, while this measure is being considered on the floor of the house. It has been pointed out that there is a provision for the infliction of whipping in the case of rape, but it has also been pointed out that only in a very, very few cases that punishment has been awarded by Judges. That being the case, Sir, I have some misgivings as to whether our judiciary will be disposed to make a free use of the power we are now conferring upon them. If this power is used as frequently as may be found necessary in proper cases, I have no doubt that it will be an effective check on the recrudescence of offences enumerated in the sections we are now dealing with.

Mr. W. H. THOMPSON: The last two speakers have been busy explaining their attitude towards this Bill. The Council must have noticed that we in this group have taken no part in the discussions to-day. In our own country, there is a considerable difference of opinion as to whether whipping is a useful and effective deterrent, and whether there is not in it an element of the past and of less civilised times. That being so, Sir, we have felt that the opinion of the people of this country, as given in this House, would be a better criterion on which to decide whether this Bill should go through or not. We have, therefore, Sir, taken no part in the discussion so far, but we congratulate our fellow-members in having made up their mind quite definitely and carrying the measure to this stage.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I congratulate the Hon'ble Member in charge for having brought forward this measure, even though it is a feeble attempt to check sexual crimes. Sir, the prestige of our nation is at stake, a nation that cannot protect its women. Such a nation, Sir, has no place amongst the civilised nations of the world. It was with that end in view that I also put forward certain amendments in order to make the punishment as deterrent as possible. Unfortunately, however, those amendments have not found a

place in the Bill that we are going to pass. However, be that as it may, I have no complaint against the Hon'ble Member for that. I should like to say a few words in supporting this motion of the Hon'ble Sir Brojendra Lal.

Whipping does not concern one who is innocent; it does not concern one who is not guilty of this offence. If one is guilty of this offence it touches him, otherwise not. I am sorry that a communal colouring has been given to the whole thing, but I am glad that Maulvi Tamizuddin Khan has made it up and has cleared up the position and Mr. Suhrawardy has been completely thrown overboard. (Question!) The crime is not the monopoly of any particular community: ruffians are ruffians everywhere and deserve equal treatment everywhere. What I beg to submit is that the punishment must be a deterrent one; and although flogging is a barbarous punishment, these crimes against women are also barbarous. Sir, one can only get at the brutal instincts of a brute through his skin and this can only be done by a resort to whipping. So the punishment must be equally barbarous. Sir, I have always entertained a great respect for the Muhammadan community; they know how to maintain the sanctity and respect of the women of their community. I respect them, and so I expect that they will support a measure like this after hearing all these points. Our friend, Mr. Suhrawardy, should not be misunderstood because he came as a barrister and pleaded his case and went away. (A VOICE: He is here.) I am glad he is here. He is a full-fledged barrister and pleaded his case very well—

Mr. PRESIDENT: Rai Bahadur, do not go into that. We have had enough of it.

Rai Bahadur JOGESH CHANDRA SEN: What I wanted to propose in that amendment, of which I gave notice, was that even flogging is not a sufficient punishment and something more is needed. The man should be branded in such a way that the people might know when he appears in public that "here goes the man who committed such and such offence." That is the proper punishment.

Rai Bahadur SATYA KINKAR SAHANA: I rise to give my whole-hearted support to the passing of this Bill. As an old man I am glad to find that righteousness is dawning upon this country. In the Hindu Sastras it is said that the curse of God falls on the land where women are molested: in the Quoran we find that a man who molests a woman should be flogged to death: in the Bible it is laid down that not only the adulterer, but a man who casts a look of lust on a woman should be punished as adulterer. A crime against woman has been detested at all times and by all religions. We find in this Council that though some of my Muhammadan friends tried to oppose

the Bill, my friend, Maulvi Tamizuddin Khan, and others have wholeheartedly supported this Bill. That shows that virtuousness and righteousness are dawning upon this country. Therefore, I support the Bill.

The Hon'ble Sir BROJENDRA LAL MITTER: I am very much obliged to my friends for giving me the amount of support that they have given, and particularly thank Maulvi Tamizuddin Khan for his last speech. I can assure him that when this measure becomes law Government will take care that it is used and not shelved.

The motion was put and agreed to.

The Bengal Municipal (Amendment) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to present the Report of the Select Committee on the Bengal Municipal (Amendment) Bill, 1935.

I beg to move that the Bengal Municipal (Amendment) Bill, 1935, as reported on by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clauses 1 and 2.

The question that clauses 1 and 2 stand part of the Bill was put and agreed.

Clause 3.

Maulvi ABUL QUASEM: I beg to move that in clause 3 for the sub-clause (*ii*) the following be substituted, namely:—

"(*ii*) in proviso (3) for the words 'unless he is qualified for election as a Commissioner' the words 'unless his name is included in the electoral roll' shall be substituted."

My reason for this amendment will be obvious if I state at the very outset that I have taken these very words from clause 9 of the present Bill. There it is proposed that in place of the words "he is not qualified to vote thereat" the words "his name is not included in the electoral roll" be substituted. There is reason for it. Section 16 of the Bengal Municipal Act deals with the number of Commissioners which should constitute a particular municipality and how this number should be chosen. Proviso 3 relates to the appointment of Commissioners by the Local Government. Proviso 3 as it stands at present lays down that no person other than an official shall be

appointed a Commissioner by the Local Government unless he is qualified to vote. In place of that the Select Committee (it was not in the original Bill) has drafted a new proviso altogether. The Select Committee's proposal comes to this: That irrespective of whether a particular name appears in the electoral roll or not, if he possesses the necessary qualification of a voter, he may be appointed by the Local Government. Now, what is the harm if in the case of a particular person who will have the honour of being nominated as a Commissioner of a municipality, it is insisted that he should show his interest in the affairs of a particular municipal corporation to which he desires to be nominated or to which Government wish to nominate him, by taking pains to have his name included in the electoral roll? Now, Sir, enough opportunity is given to a person possessing the necessary qualification to come forward and have his name inserted in the electoral roll. When the preliminary list is published, if anybody's name is omitted, he can have his name entered on proper application. A person who has not chosen to have his name included and whose name does not appear in the electoral roll—I fail to understand how he can be said to possess the necessary qualifications. Other people will not have the right or opportunity to challenge his right to vote or to be nominated. If a person wants to have his name included in the electoral roll, other people may object. But here a particular person may be nominated to a particular municipality without the public having any say as to whether he really possesses the qualifications of a voter. He will be nominated a Commissioner on an *ex parte* examination of his qualification. As I have shown, the Government by their own proposals in clause 9 have themselves found fault with the existing wording. There the Government suggest that in the case of fraudulent voting and personation, a person, to escape punishment, must have had his name included in the electoral roll and not simply be qualified to vote. Since insistence is laid on the qualification to vote in the case of appointment as well as election of a Commissioner, it is only fair, just and logical to provide that no one, whose name does not appear in the electoral roll, shall be appointed a Commissioner. Taking close interest in the affairs of a municipality, should be one of the guiding considerations in appointing a person and the least that can be expected of a candidate for appointment that he should furnish proof of such interest by taking the trouble of having his qualification to vote recognised in the electoral roll and not before the appointing authorities for the first time. That is why I propose this amendment. A person's interest in the affairs of a municipality should be shown by the efforts he made in having his name included in the electoral roll. He should not be allowed to come in as a Commissioner by appointment unless his qualification is evidenced by the electoral roll. After the electoral roll is finally ready, if a man is permitted to go up to Government and plead his case there an injustice may be involved to the rate-payers.

People who might object to his being qualified as a voter will not be given an opportunity of contesting his right to be nominated. I hope Government will be pleased to consider the reasons which have actuated me to put forward this amendment and having regard to the Government's own proposal in clause 9 I hope they will have no hesitation to accept my amendment.

Mr. ANANDA MOHAN PODDAR: This clause proposes that a person may be nominated by the Local Government if he is qualified as a voter irrespective of whether his name appears in the voters' list or not. The present rule for election is that a qualified voter's name must be in the electoral roll, otherwise he is not entitled to stand as a candidate or to exercise his right as a voter. We find in the proposal here that though his name is not included in the electoral roll Governmen can nominate him as a Commissioner. In the case of an election a person cannot stand as a candidate if his name has not been entered in the electoral roll. Why then in the case of nomination Government should seek for the privilege to appoint a person as a Commissioner whose name does not appear in the electoral roll. I do not understand the reason for this discrimination between election and nomination. If this section is not amended at all Government will not find any difficulty in giving nomination to a person whom they want. If the amendment which has been moved by my friend is not accepted, I think there will be serious complication and litigation between the parties. So I support the amendment.

(The Council was then adjourned for fifteen minutes for prayer.)

(After Adjournment.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the reason that has prompted Maulvi Abul Quasem to table this amendment is that there is an apparent inconsistency between the language in sub-section (3) of section 16 of the Act and the amendment proposed by Government in the Bill, namely, that a person must be qualified for election before he can be appointed a Commissioner. I beg to submit that there is absolutely no inconsistency. In fact, we simply wanted to make it clear what is meant by "qualified for election." By "qualified for election" we do not mean that his name must be included on the electoral roll. From the working of this Act it has been found that there were several cases during the last three years where names of people qualified to vote were not included on the electoral roll either by mistake or deliberately. It may so happen that the name of a person who is qualified to vote and whose presence on the municipal board may be desirable in the interest of civic administration was not included on the electoral roll and he did not have any opportunity of

getting his name included because he was away from the municipality for the time being. To meet this contingency we suggest that the name of the person need not be actually included on the electoral roll, but if he possesses the necessary qualifications of a voter, he should be eligible for appointment. On this ground I oppose the amendment.

The amendment was then put and lost.

The motion that clauses 3 and 4 stand part of the Bill was then put and agreed to.

Clause 4A.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that clause 4A be omitted.

The Chairman being the head of the executive, his presence on the committee for the preparation of the electoral roll is desirable. The executive has certain duties with regard to the publication and printing of the electoral roll. So, it will be very undesirable if he is left out of the committee.

Mr. NARENDRA KUMAR BASU: Sir, I rise to oppose this motion. If the House will turn to the Report of the Select Committee, they will find it stated there regarding this new clause that "This amendment arises out of the modification proposed by clause 44 of the Bill which seeks to insert a new section 529A dealing with appeals from decisions under existing sub-section (*1*) of section 21 of the Act. While, by our amendment of section 21, we do not preclude the Chairman from being on the Committee, we have altered the obligatory character of the section which provides that the Chairman must be a member of the Committee." Then there is a significant sentence: "We think this change to be desirable." This was the opinion of the Hon'ble Minister in charge and other members of the Committee when this report was drafted and signed. You will find that in several other places of the Report of the Select Committee, Government expressly said that they reserved their opinion, but in this place at least the member and officers of Government thought that this change was desirable, and this was carried practically unanimously, excepting Rai Bahadur Satyendra Kumar Das who as Chairman of a municipality did not vote on it. Under the circumstances, I fail to see how a thing which was desirable when it was discussed over the Select Committee's table suddenly becomes so obnoxious to the Hon'ble Minister that the matter is brought before the House to be deleted. I think the reasons given by the Hon'ble Minister in his introductory words while moving his amendment are absolutely insufficient and they really make out no reasons why this alteration should not be made. I may

tell you from my professional experience that in several cases I know that the compulsory inclusion of the Chairman in this committee has worked a great deal of injustice and as the Select Committee in their report say: "We do not preclude the Chairman from the committee; we have altered the obligatory character of the section." Moreover, we take it that the Chairman is a partisan and there are two other members: at the meeting of the committee one of the members is absent: what happens? The Chairman has his own way, and I would be willing to show to the Hon'ble Minister that in at least three municipalities I know this section has been worked, if I may say so, with dishonesty. I, therefore, ask the House to reject the Hon'ble Minister's amendment and accept the recommendation of the Select Committee.

Mr. S. K. HALDAR: Sir, in the first place, I wish to state that we, the Government members, on the Select Committee never voted for this clause; I believe that in this as well as in some other cases we remained neutral. The second thing is that so long as the Chairman continues to be the Chairman, he must be trusted. Moreover, his presence on this committee is necessary in the interest of the correct preparation and publication of the rolls as he is the head of the executive. If he does anything to forfeit the trust of the other Commissioners, the proper remedy is prescribed in section 61 of the Act; and so long as that remedy is not availed of, he should not and cannot be kept out of the committee. I, therefore, hope that the House will accept this amendment.

Mr. P. BANERJI: Sir, I rise to oppose this amendment and should like to point out to Mr. Haldar, that he would find on a reference to the Select Committee's report that wherever Government remained neutral and did not vote, it was definitely stated in the report as "The Government members abstaining from voting." I would refer him to the Report of the Select Committee on clauses 32 and 43. Therefore, it does not lie in the mouth of Mr. Haldar to say now that they did not vote; they ought not to go back upon their own decision. I charge Mr. Haldar with making a false statement of facts. I oppose the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, although I am not entitled to speak at this stage, I would just want to explain the position. I think the Hon'ble Member tried to infer consent of Government from the fact that Government did not vote, because there was no occasion for voting. It is not a fact that Government accepted this amendment.

Clause 4A.

The amendment of the Hon'ble Sir Bijoy Prasad Singh Roy being put, a division was taken with the following result:—

AYES.

Armstrong, Mr. W. L.
Basu, Babu Jatindra Nath
Basu, Mr. S.
Chowdhury, Haji Badi Ahmed.
Das, Babu Guruprosad.
Faroqui, the Hon'ble Nawab Sir Mahiuddin, of Ratanpur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Guthrie, Mr. F. C.
Haidar, Mr. S. K.
Hogg, Mr. G. P.
Homan, Mr. F. T.
Hooper, Mr. G. G.
Hussain, Maulvi Mohammed.
Jenkins, Dr. W. A.
Khan, Khan Bahadur Maulvi Moazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Razaur Rahman.
Kinderslay, Mr. J. B.
Mittor, Mr. S. C.
Nag, Rev. B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nicholl, Mr. C. K.
Parter, Mr. A. E.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Sir Robert.
Roxburgh, Mr. T. J. Y.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Ray, Mr. Surat Kumar.
Sen, Rai Bahadur Gris Chandra.
Shahabuddin, the Hon'ble Mr. Khwaja.
Singha, Babu Kshetra Nath.
Steven, Mr. J. W. N.
Stevens, Mr. H. S. E.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Woodhead, the Hon'ble Sir John.

NOES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Choudhary, Maulvi Nural Absar.
Fazlullah, Maulvi Mahammad.
Guha, Babu Profulla Kumar.
Hoque, Kazi Emdadul.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Ray, Mr. Shanti Shekhareswar.

The Ayes being 43 and the Noes 11, the motion was agreed to:

Clauses 5, 6 and 7.

The question that clauses 5, 6 and 7, 8 and 9 stand part of the Bill was put and agreed to.

Clause 10.

Maulvi ABUL QUASEM: Sir, I beg to move that after clause 9, the following clause be inserted:—

"10. In section 36 of the said Act, for the words 'qualified to vote at the election to which such question refers,' the words 'whose name is included in the electoral roll' shall be substituted."

I do not know, Sir, what objection Government will put forward this time to the acceptance of this amendment. It is not purely my own suggestion, for Government in clause 9 proposed such an amendment, and it has been carried. In clause 9, which has been carried, almost the same expression occurs, viz., "his name is not included in the electoral rolls." I have, therefore, proposed to substitute in section 36 the same expression as has just been accepted by the House. Now, Sir, section 36 relates to the question of a particular election and proceedings to set aside an election. This is how the section stands: "If the validity of any election of a Commissioner is brought in question by any person qualified to vote at the election to which such question refers....." I say, Sir, that any person whose name is included in the electoral roll should be enabled to file such a petition, and not any person who is simply qualified to vote, but whose qualification is not evidenced by the electoral roll. If you leave this section vague after already clearing up the vagueness in section 30, there will be an anomaly which, in my view, this House should not countenance. That is why, Sir, I move my amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. This point was very carefully considered by the Select Committee, and it was decided to leave section 36 as it is. Under the existing provision any person qualified to vote has the right to file an election petition, whereas the amendment proposed would limit the scope of the section to persons whose names actually appear on the electoral roll, so that the rate-payers, whose names do not appear on the electoral roll, will not be qualified to put in an application under section 36, which is not desirable. The Select Committee, as I have already said, very carefully considered the point and decided to leave the section as it is. On this ground, Sir, I oppose the motion.

The amendment was then put and lost.

The question that clauses 11 and 12 stand part of the Bill was put and agreed to.

Clause 13.

Maulvi ABUL QUASEM: Sir, I beg to move that for clause 13 (2) the following be substituted, namely:—

"(2) after the words 'to have been duly elected' the colon be omitted and a comma be placed and thereafter the following be inserted, namely:—

'every candidate at the election to which the dispute relates being deemed to be a party to such dispute.' "

Sir, this is merely a drafting amendment. It might be said at once: "Well, it is not necessary." I have ventured to suggest this amendment in the interest of what I consider to be good grammar. I have suggested a change in punctuation in my amendment. It may be said that punctuation is no part of legislation and that legislation is considered and assented to without the necessity of punctuation. But, Sir, in clause 5 we find that Government themselves have proposed the omission of a comma. Here, also, I propose that the colon should be omitted and replaced by a comma. As I have said, Sir, this is merely a drafting amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The drafting has been very carefully considered and vetted by the Legislative Department, and I think the House will be well advised in adopting the amendment suggested by the Legislative Department instead of that proposed by Mr. Quasem.

The amendment was put and lost.

The question that clauses 13, 14, and 15 stand part of the Bill was put and agreed to.

Clause 16A.

Maulvi ABUL QUASEM: Sir, I beg to move that clause 16A be omitted.

Section 103(2) of the Bengal Municipal Act says: "Every contract made on behalf of the Commissioners in respect of any sum exceeding Rs. 200 or which shall involve a value exceeding Rs. 200 shall be sanctioned by the Commissioners at a meeting and shall be in writing and signed by at least two of the Commissioners one of whom shall be the Chairman or Vice-Chairman." What is proposed here is that in the case of a municipality the income of which during the preceding year was 2½ lakhs of rupees or more, the provision of this sub-section shall apply as if the words "five hundred rupees" were substituted for the words "two hundred rupees." I cannot understand the meaning of this provision. If the income of a municipality is selected for a particular year I ask whether that income is a suitable factor in determining its status for the grant of this privilege. In a particular year, Sir, on account of very good collection of arrear taxes the income of a municipality might have reached the figure of Rs. 2½ lakhs, while ordinarily its annual income is much less. I ask, therefore, why a particular year should be selected? This will in practice mean that every year when a contract is to be entered into, reference to the previous year's income will be incumbent. This may sometimes be overlooked through inadvertence and the contract as a result may be *ultra vires* and void. It is better, safer and wiser to adhere to a uniform

rule and the present rule ought to be allowed to continue to apply to all municipalities irrespective of the amount of their income. I commend my motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. Clause 16A has been inserted as a result of the experience gained in the working of the Bengal Municipal Act. It has been found that some of the big municipalities like Dacca, Chittagong and Howrah, were handicapped because of the limit of Rs. 200. It has, therefore, been proposed that it should be increased from Rs. 200 to Rs. 500, only in respect of those municipalities, and I do not think that there is much to object to.

As regards the point raised by Maulvi Abul Quasem about the annual income, I think that relates more to the next amendment than to the present one. On this point, Sir, it is much better to be precise instead of being vague. The hon'ble member thinks that the Government amendment is vague, but I maintain that the amendment suggested by him is rather vague. The usual practice is to take the income of a local body in the previous year. It is not likely that the income will fluctuate very greatly. Of course, there may be some difference, but from the figures of a preceding year it is not very difficult to find out what the income of a local body is. Therefore, the most dependable data will be the income of the previous year, and that is the data by which Government prefers to be guided.

On these grounds, Sir, I oppose the amendment.

The motion was put and lost.

Maulvi ABUL QUASEM: I beg to move that in clause 16A, in the proposed proviso, line 2, for the words "income of which during the preceding year was," the words "annual income of which is" be substituted.

The Hon'ble Minister has replied to the amendment that I just moved, but I do not understand, Sir, why my present amendment should not be regarded as more definite, more precise and more clear than the Government amendment as embodied in clause 16A. I refer to the words "the income of which during the preceding year was Rs. 2½ lakhs." Sir, during the previous year there might have been a very good collection of arrear taxes, while as a matter of fact the regular income of the municipality might be much less than Rs. 2½ lakhs. In every municipality, there are arrears of taxes, and it might be that in a particular year due to some unforeseen reason there might be a very good collection in a municipality giving it the required figure, but why should this unstable figure be regarded as a criterion for giving the municipality a higher status? In that way, Sir, if during the previous year the income was Rs. 2½ lakhs, then the

Commissioners dealing with contracts would be allowed to enjoy a privilege which is not ordinarily extended to them. We should fix upon an unvarying and invariable principle. I ask the Hon'ble Minister to give particular attention to this aspect of the case. A certain municipality in that case may be enabled to do something which ordinarily it is not competent to do. This power of contract is one which shoud be given to a municipality as a permanent measure, and on a fixed principle. This power should not be made to vary with the passage of years and the fluctuation of the income of the municipality. On these grounds I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have very little to add, Sir, to what I have already stated on this point. The words "annual income" is very vague. It is much better to insert the words which we have proposed, namely, the income during the preceding year. It is not likely, Sir, that the income of a municipality will vary between Rs. 2,49,000 and Rs. 2,50,000. If there is a fall, the fall is likely to be much bigger than that, and it would not be on the border line. I do not think that the privilege, if once extended, will have to be withdrawn again until and unless the income shows substantial diminution. On these grounds, Sir, I oppose the amendment.

The motion was put and lost.

The question that clause 16A and the subsequent clauses up to 22 stand part of the Bill was put and agreed to.

Clause 25.

Mr. W. H. THOMPSON: Mr. President, Sir, at my request, you were kind enough to grant me permission to move, in place of Mr. Walker, who is absent and sick, the amendment which stands in his name. Since I made that request, however, I understand Government have been dealing with this matter. Mr. Haldar, Mr. Sen, Mr. Hooper and the Hon'ble Minister have been drafting alternative amendments, and I shall not be doing an injustice to Mr. Walker in his absence if I admit that the Hon'ble Minister's amendments are far better than Mr. Walker's. In view of that, Sir, I do not propose to move Mr. Walker's amendment, although I have had your permission to do so.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 25 in clause (*i*) of the proposed proviso to section 126(*3*), after the words "Commissioners have," in line 1, the words "before the conservancy arrangements referred to in this sub-section were made" be inserted.

Sir, clause 25(*1*) is meant to provide for cases where a municipality has provided the underground sewerage system before a particular concern has done that for itself. I think that would be made more clear by the amendment which I have just moved.

Mr. PRESIDENT: Does your observation cover all the other three amendments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, practically it is the object of the second amendment too. Shall I formally move the other amendments as well?

Mr. PRESIDENT: Yes, I think you should do that.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg also to move that in clause 25 in clause (*ii*) of the proposed proviso to section 126(*3*), for the words "in the event of the Commissioners providing a new underground sewerage system," in lines 1 and 2, the words "where the Commissioners have, after the conservancy arrangements referred to in this sub-section were made, provided the underground sewerage system" be substituted.

This amendment refers to cases where the Commissioners introduced underground sewerage system after any particular concern has made its own arrangement. This is the distinction between clause (*i*) and clause (*ii*) of the proviso.

I beg also to move formally that in clause 25 in clause (*iii*) of the proposed proviso to section 126(*3*), in the last two lines, for the words "which contributes towards the construction of a sewerage system" the words "which contributes or has contributed towards the construction of an underground sewerage system" be substituted.

I beg also to move that in clause 25, clause (*iv*) of the proposed proviso to section 126(*3*) be omitted.

This sub-clause was put in by a misapprehension, if I may say so. Government wanted to limit the concession to one, that is either under section 126 or under section 128 and not to allow double concessions. But now we realise that the two concessions are based on entirely different principles. The concession under section 126 is a restriction on the imposition of the conservancy rate on a particular class of buildings where there is no underground sewerage system, whereas the concession under section 128 is based on the annual value of holdings and where the value of a building exceeds one lakh of rupees the percentage is to be charged at a lower rate on the annual value. Government think, therefore, that it will be unfair to these premises if sub-clause 4 is retained. It was not in the Act of 1932 and, as I said, its insertion was suggested only under a misapprehension. Government, therefore, have decided to withdraw the sub-clause from the Bill.

Mr. SHANTI SHEKHARESWAR RAY: May I ask, Sir, what is the exact position now? Mr. Thompson has moved the amendment of Mr. Walker, and I should like to know whether it stands.

Mr. W. H. THOMPSON: I beg to withdraw the motion, Sir.

Mr. PRESIDENT: But have you really moved that amendment? If you have, you will have to take the leave of the House to withdraw the amendment.

Mr. W. H. THOMPSON: I am not sure, Sir, whether I did move the amendment, but I think I did not. (Laughter.)

Mr. PRESIDENT: All right, I give you the benefit of doubt. (Renewed laughter.)

All the short-notice amendments were then put and agreed to.

The question that clause 25, as amended, stands part of the Bill was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 24th February, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 24th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 96 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Scheme to connect Faridpur with Madaripur and Gopalganj subdivisions.

***10. Rai Bahadur AKSHOY KUMAR SEN:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that by dredging the portion of the river extending from the Faridpur town to Nagarkandi, the district headquarters town of Faridpur can be connected by river with the Madaripur and Gopalganj subdivisions?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Member considering the desirability of taking up that scheme?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) and (*b*) The scheme is under investigation and necessary data are being collected. Until the investigation has been completed no decision can be reached as to the desirability of the scheme.

Expenditure for Post Graduate Training of District Board doctors.

***11. Babu PREMHARI BARMA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that audit objections are being raised for expenditure incurred by the District Board for Post Graduate Training of doctors serving under the District Board; and

(*ii*) that the Local Self-Government Department in their letter No. 3454-Medl., dated the 5th November, 1934, to the Commissioner of the Rajshahi Division stated that steps were being taken to amend the Local Self-Government Act so as to legalise such expenditure from the District Fund?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have since then been taken in the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) and (*ii*) Yes.

(*b*) The subject will be considered at the time of the next amendment of the Local Self-Government Act.

Primary education of backward classes.

***12. Babu KSHETRA NATH SINGHA:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government are considering it advisable to introduce the following rules in the primary education department for the advancement of education amongst the backward classes on the same lines as in the case of the Muhammadans:—

(*i*) increased grant-in-aid;

(*ii*) free studentship;

(*iii*) roll strength;

(*iv*) lower rate of fees; and

(*v*) separate allotment of special grants?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*i*) No.

(*ii*), (*iii*) and (*iv*) Backward class pupils enjoy the same privileges in primary schools as are enjoyed by pupils of other classes including Muhammadans.

(*v*) A statement is laid on the table of the House giving details of a sum of Rs. 92,809 a year which is spent by Government on the education of "backward class" boys. In addition, of course, backward class boys participate in the expenditure incurred on the ordinary primary schools.

Statement referred to in the reply to clause (v) of starred question No. 12, showing the grants sanctioned for the education of backward and depressed classes.

	Rs.
Grant of Santal education in Dinajpur ..	4,000
Grant of Santal education in Birbhum, Bankura and Midnapore ...	22,000
Grant of Santal education in Malda ...	4,600
Grant of Santal education in Rangpur ..	384
Grant of the education of tea garden coolies in Jalpaiguri and Darjeeling ...	4,464
Grant to the Colonization areas in Bakarganj and 24-Parganas ...	2,244
Grant for the education of Mugs, Chakmas and Tipperas, etc. ...	20,000
Grant for training facilities of Bhutias and Lepchas ...	10,000
Grant for education of the children of fishermen in Dacca ...	561
Grant for the education of factory children ...	720
Grant for the education of Jugis and Namasudras, etc. ...	4,872
Grant to Santal schools in the Dinajpur Municipality	636
Grant to the society for the improvement of education among backward and depressed classes ...	9,250
Grant to the St. Michael's School in Darjeeling ...	180
Grant to the St. Mary's Boarding Primary School for the education of aboriginal classes, Jalpaiguri	276
Grant to the Baptist Zenana Mission at Entally for the education of Santali and aboriginal girls ...	642
Grant to the Bhimpur Training School in Midnapore for the benefit of backward classes ...	1,680
Grant-in-aid to the Bhimpur and Sarenga Schools ...	6,300
	92,809

Enhancement of rent in Rangpur.

*13. **Babu KSHETRA NATH SINGHA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that enhancement of rent is being allowed to the landlords against the *raiyats* and tenure-holders by the settlement department in the district of Rangpur?

(*b*) Do the Government contemplate any steps to stop this enhancement in these days of economic distress and falling of price of staple food crops?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes, but only in estates where lands are capable of bearing an enhancement, having regard to the rise in average prices of staple food crops or higher rates prevalent for similar lands in the estate or in neighbouring estates.

(*b*) No.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Considering the state of depression now prevalent among the agricultural classes, will the Hon'ble Member be pleased to state if it is fair and just at the present moment to make any enhancement of rent at all?

The Hon'ble Sir BROJENDRA LAL MITTER: I do not say that it is generally unfair because it is only in cases where an enhancement can be borne by the land in question that the enhancement has been granted.

Maulvi ABDUL HAKIM: Is it not a fact, as the Hon'ble Member told us the other day in answer to a supplementary question, that a Special Officer has been appointed to revise the rates of rent?

The Hon'ble Sir BROJENDRA LAL MITTER: A Special Officer has been appointed to revise the rates of rent.

Failure of crops in some parts of Bengal.

*14. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that there were scanty rains and that there has been a failure of paddy crops this year in the northern, central and southern parts of the province?

(b) Are the Government considering the desirability of giving relief to the cultivating classes under the principles laid down in the resolution of the Government of India No. 3-99-2, of the 25th March, 1905, relating to suspension and remission of land revenue due to agricultural calamities?

(c) If the answer to (b) is in the negative, will the Hon'ble Member be pleased to state whether it is a fact that there has been a loss of more than half the normal crops in the majority of the villages?

(d) Are the Government considering the desirability of issuing directions to the Collectors to make immediate enquiry into the extent of the failure of crops in the areas affected by drought?

(e) If the answer to (d) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, are the Government going to take in the matter for—

(i) the estates directly managed by the Government;

(ii) the temporarily-settled estates such as the Sundarbans Lots; and

(iii) the permanently-settled estates?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) Government are aware that in certain districts, particularly in the Burdwan and Presidency Divisions, there has been a partial failure of crops owing to insufficient and unevenly distributed rainfall.

The crop forecast shows Bogra and Malda are as badly off as some of the affected districts, but no reports of distress have yet been received from there.

(b) and (c) (i) to (iii) The matter is engaging the attention of Government.

(c) Does not arise.

(d) In the districts affected by drought Collectors have already made inquiries and relief measures are being organised under the supervision of a special officer of the rank of Commissioner of a Division.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state how long the matter has been engaging the attention of Government and what line he proposed to adopt for the relief of the distress?

The Hon'ble Sir BROJENDRA LAL MITTER: The matter has been receiving the serious attention of Government for months and months together and what measures will be adopted will depend upon the circumstances prevailing for the time being.

Babu JITENDRALAL BANNERJEE: Is the Government considering the advisability of declaring a state of famine in any of the districts affected?

The Hon'ble Sir BROJENDRA LAL MITTER: Not yet, Sir.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to consider the advisability of declaring that a state of scarcity is now prevailing in those districts?

The Hon'ble Sir BROJENDRA LAL MITTER: Not yet, Sir.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether Government is contemplating to make agricultural relief grants, and if so, when?

The Hon'ble Sir BROJENDRA LAL MITTER: Agricultural relief grants are being made from time to time and they are now being made.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state why no report of distress has been received from the districts of Bogra and Malda?

The Hon'ble Sir BROJENDRA LAL MITTER: There has actually been no distress; so no report of distress can be made.

Insurance companies in Bengal.

***15. Seth HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state how many insurance companies have been started in Bengal during the last five years?

(*b*) Have the Government ascertained that all these insurance companies have sufficient financial strength?

(*c*) Is the Hon'ble Member aware of a public feeling in Bengal—

(*i*) that most of the newly started insurance companies have very inadequate financial backing;

(*ii*) that the investment policy of most of the companies including the well-established companies is highly unsatisfactory; and

(*iii*) that some of the insurance companies are playing ducks and drakes with the policy-holders' money by utilising it in speculative investments or locking them up in landed properties of indeterminate value?

(*d*) Is the Hon'ble Member also aware that there is a strong agitation in Bengal for state control of insurance?

(*e*) Do the Government realise that the various defects in the insurance companies in the province can be only remedied by stringent state legislation and control?

(*f*) If the answer to (*e*) is in the affirmative, are the Government considering the desirability of approaching the Government of India in the matter?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) A statement showing the number of life insurance companies registered in Bengal during the last five years is placed on the table.

(*b*) No: the existing law does not provide for any inquiry by Government into the financial strength of an applicant for registration.

(*c*) (*i*), (*ii*) and (*iii*) No.

(*d*) No.

(*e*) and (*f*) The Government of India have decided that the existing law relating to the regulation of insurance companies should be reviewed. They accordingly appointed an officer on special duty for this purpose whose report has now been received and is under their consideration.

Statement referred to in the reply to clause (a) of starred question No. 15, showing the number of life insurance companies registered in Bengal in the years 1930-31 to 1934-35.

Year	Life Insurance Companies.
1930-31	4
1931-32	5
1932-33	4
1933-34	1
1934-35	2

Mr. P. BANERJI: If the existing law referred to in answer (*b*) does not provide for any enquiry by Government into the financial strength of an applicant for registration, why has an officer been appointed to enquire into the financial condition of the Provident Fund Insurance Companies in Bengal and on the report of that officer the Registrar of Joint Stock Companies is forcing the Companies to go into liquidation?

The Hon'ble Sir JOHN WOODHEAD: The reply said that the existing law did not provide for any enquiry by Government into the financial strength of an applicant for registration.

Dr. AMULYA RATAN GHOSE: With regard to answer (*b*), will the Hon'ble Member be pleased to state whether there is any law which provides for the enquiry of the working of the existing Insurance Companies?

The Hon'ble Sir JOHN WOODHEAD: I would refer the hon'ble member to the law, Sir.

Mr. S. M. BOSE: With reference to answer (*c*), is the Hon'ble Member aware that definite articles have appeared in the newspapers drawing attention to this matter?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I am not aware of that.

PRESENTATION OF THE BUDGET OF THE GOVERNMENT OF BENGAL FOR 1936-37.

The Hon'ble Sir JOHN WOODHEAD: In February, 1933, on the first occasion on which it was my privilege to present to the Legislative Council the budget estimates of Bengal, I said I wished I were in the fortunate position of being able to announce such an improvement in the provincial revenues as, combined with the economies effected, would have produced, if not a balanced position, at least a real improvement in our financial position. Although Bengal has not as yet attained to the desirable position of a balanced budget, not to speak of a surplus, still on this the fourth and perhaps the last occasion on which I shall present the budget estimates, I am in the position to record a definite improvement in our financial position. That improvement, as members of the Council are aware, is in the main due to the receipt since last year, 1934-35, of a grant from the Central Government equal to half the proceeds of the jute export duty. A comparison of the budget estimates for the year 1934-35 as originally presented to the Council with the actuals for that year as now available brings out very clearly the great improvement which the receipt of that grant has made, but before I make that comparison I propose to review, quite briefly, the financial history of the province since 1929-30. I take the year 1929-30 as my starting point because 1929-30 was the year immediately preceding that in which our revenues fell precipitately as the result of the economic depression.

2. In 1929-30 revenue receipts exceeded expenditure on revenue account by about Rs. 2½ lakhs and the year closed with a free balance, exclusive of the balance in the Famine Insurance Fund, of Rs. 182 lakhs. The year 1930-31 presented a very different picture indeed; revenue receipts fell by Rs. 170 lakhs and the whole of the free balance, except the relatively small sum of Rs. 26½ lakhs, was eaten up in meeting the year's deficit. The year 1931-32 witnessed a further contraction in revenue to the extent of Rs. 65 lakhs; and in that year, in spite of a fall in expenditure of Rs. 40 lakhs as compared with 1930-31, the excess of revenue expenditure over revenue receipts amounted to nearly Rs. 2 crores, the free balance was entirely exhausted and a loan of Rs. 191 lakhs had to be taken in order to balance the provincial account. During 1932-33 and 1933-34 revenue receipts, apart from a windfall in the former year under "Stamps" in the shape of probate duties, showed no improvement. On the contrary they showed a further decline and, if adjustments are made, first in the figures for 1929-30 on account of an abnormal receipt under "Stamps" of Rs. 52 lakhs and, secondly, in the figures for 1933-34 on account of receipts from the Road Development Fund and the taxes on motor vehicles, the revenue receipts in 1933-34 were no less than Rs. 197 lakhs, or nearly 2 crores below the revenue receipts in 1929-30. What is more significant still, they were approximately one crore below the receipts of 1922-23. Turning to the other side of the account, we find that in 1932-33 and 1933-34, in spite of heavy expenditure in connection with the civil disobedience and terrorist movements (Rs. 47 lakhs in 1932-33 and Rs. 53¾ lakhs in 1933-34), interest charges on deficit loans (Rs. 12½ lakhs in 1932-33 and Rs. 18 lakhs in 1933-34), increased pensionary charges and additional expenditure on roads from the Road Development Fund and from the proceeds of the taxes on motor vehicles, all unavoidable charges, expenditure on revenue account was considerably lower than in 1929-30. The reduction was due partly to retrenchment and partly to the emergency cut in pay. Revenue expenditure reached its lowest point in 1932-33, when it was Rs. 73 lakhs below the figure of 1930-31. In 1933-34 expenditure was approximately Rs. 14 lakhs more than in 1932-33, but this was more than accounted for by the restoration of one-half of the emergency cut in pay (Rs. 17 lakhs), increased interest charges on our overdrafts (Rs. 5 lakhs), additional expenditure in connection with terrorism (Rs. 6¾ lakhs), the distribution of collections under the Motor Vehicles Tax Act (Rs. 8¾ lakhs) and enhanced pensionary charges (Rs. 4½ lakhs), all unavoidable expenditure. Although the overdraft loans required in 1932-33 and 1933-34 were considerably smaller than that taken in 1931-32, the total deficit debt by the close of the year 1933-34 amounted to the large figure of Rs. 4½ crores. The 4 years 1930-31 to 1933-34 were years of extreme financial difficulty, years in which, in spite of all our efforts, the gap between revenue and expenditure remained alarmingly large. At the beginning

of that period the province possessed a free balance of Rs. 182 lakhs; at the end that free balance had entirely disappeared and in addition to a liability of Rs. 38½ lakhs to the Road Fund and the Motor Vehicles Taxes Fund the deficit debt amounted to Rs. 4½ crores.

3. I now come to the improvement that occurred in 1934-35. When the budget for that year was presented, we estimated that expenditure on revenue account would exceed revenue receipts by Rs. 209 lakhs and that the year would close with an addition of Rs. 194 lakhs to our overdraft with the Government of India. But fortune intervened: revenue receipts were better than estimated by Rs. 183¼ lakhs. The bulk of this (Rs. 158¼ lakhs) was due to the assignment to us of half the jute export duty, and the balance to an improvement in the yield of our other sources of revenue. At the same time, expenditure was Rs. 20½ lakhs less than estimated, and the net result was that expenditure on revenue account exceeded revenue receipts by Rs. 5¼ lakhs instead of the expected Rs. 209 lakhs. Further, no overdraft from the Government of India was necessary, for it was possible to meet the deficit of Rs. 5¼ lakhs out of the excess of receipts over expenditure outside the revenue account. I will conclude this review by a short reference to the revised estimates for the present year, which it will be my duty to explain later. According to these estimates the excess of expenditure on revenue account over revenue receipts will be Rs. 15½ lakhs; this excess will be met partly out of a surplus in the capital account and partly out of the opening balance.

4. Although I have been able to record a great improvement in our financial position, I do not wish to convey the impression that our financial position is now a satisfactory one. That is far from the case. During the last 4 years we have cut down expenditure wherever it was possible to do so without a permanent impairment of administrative efficiency. On the revenue side we have made every endeavour to improve the yield of our existing sources of revenue, and with the sanction of the legislature additional taxation has been imposed. In spite of all these measures our budget still discloses a deficit. Our financial position prior to 1934-35 was one of the utmost gravity; it is true to say that it is now much less grave, but it is equally true to say that it is still far from satisfactory. The standard of expenditure in Bengal has always been low, and an examination we made recently of expenditure in several provinces has brought out in strong relief how unfavourably the standard in Bengal in many and important spheres of activity compares with that in certain other major provinces. The standard in Bengal is one of the lowest in India; and our financial position will not be satisfactory until funds are available for a considerable improvement in that standard of expenditure, until, as I have so repeatedly said, we have obtained an equitable financial settlement

which will render possible the development of the more beneficial activities of Government beyond the present inadequate standards.

5. The main heads of provincial revenue are "Land Revenue," "Excise," "Stamps," "Foresfs," "Registration" and "Scheduled Taxes." "Land Revenue" has made a very good recovery during the last two years, but under the other heads there are no signs of an early return to the yields considered normal prior to 1930. As regards these heads all that can be said is that we have crossed the bottom of the trough of the depression, are climbing slowly up the other side, and that the rate of that climb will depend entirely upon the course of prices of our staple primary products. Jute is our chief money crop, and the price of raw jute is a good barometer by which to measure the prosperity of our agricultural population. Up to 1934 jute prices fell persistently, and this is well brought out by the index number of wholesale prices in Calcutta prepared by the Director-General of Commercial Intelligence and Statistics. The average annual index number fell from 95 in 1929 to 45 in 1932, 41 in 1933 and 39 in 1934. The crop restriction scheme has fortunately not only checked this downward fall but has resulted in a considerable increase in price during the season which has just closed. For the months of July, August, September and October of 1934 the average monthly index number for the wholesale price of jute was 37 whereas the figure for the corresponding period of 1935 was 49, an increase of 32 per cent. The restriction scheme will be continued during the season now commencing, and although as regards jute prices I dare not and will not attempt to prophesy, of this I am convinced, that unless the cultivator restricts his crop again this year, the improvement in price gained last year, not to speak of a further increase in price, will not be maintained. Our other staple crop is rice. The price of rice fell to its lowest level in the first quarter of the year 1933. Since then the price fortunately has improved, and this year prices are slightly better than last year; but the improvement is not very marked, and all that one can say is that the price is recovering slowly from the low level reached in the early part of 1933. The price is still, however, much below the pre-depression level. In December last, the Calcutta wholesale price index number for rice was still 40 per cent. below what it was in December, 1929. As regards the future course of prices it is impossible to say more than this, that recent conditions afford no ground for the conclusion that prices will, during the next five years or so, return to the pre-depression level. The uncertainty in regard to the future course of prices makes any forecast of the extent to which the yields of our provincial sources of revenue will return during the next quinquennium to levels considered normal before 1930 impossible, and in estimating for budget purposes the only safe course to follow is to refrain from anticipating anything beyond a slight improvement over the latest actuals.

6. Last April the Council passed five taxation measures, and members will no doubt wish to know how the yields as now estimated compare with the estimates given when the measures were under discussion. As regards Stamps and Court Fees, it is difficult to give an opinion till the receipts of one year have been analysed. As regards the Electricity Duty, the yield in a full year will be considerably higher than originally estimated, Rs. 14½ lakhs against Rs. 10 lakhs. The amendment of the Amusements Tax Act will also produce more revenue than was anticipated, Rs. 2½ lakhs against Rs. 2 lakhs. The Tobacco (Sales Licensing) Act was not brought into force till the 1st September last, and actuals for only a short period are therefore available; but so far as can be judged, the yield will be slightly less than originally anticipated, Rs. 4 lakhs against Rs. 5 lakhs. When the taxation measures were under discussion in the House, their total yield in a full year was placed at Rs. 24½ lakhs. It is now placed at Rs. 28 lakhs.

7. On previous occasions I have dwelt at some length on the burden thrown on the revenues of the province by the terrorist movement, and although this additional expenditure unfortunately continues to be a very heavy burden on our resources, I do not propose to traverse that ground again. I am, however, glad to say that the revised figure of this additional expenditure for the current year is Rs. 3 lakhs less than the amount estimated when the budget was framed, and that the figure according to the budget estimates for the coming year is nearly Rs. 1 lakh less than the revised figure for this year. Under the training scheme, announced by His Excellency the Governor when proroguing the Council on the 28th August last, four industrial centres and one agricultural centre, with accommodation for 85 detenus, have already been opened and additional centres will be established during the next few months. Considerable expenditure is involved in the opening of these training centres, but it is hoped that during the course of the coming year it will be possible by a redistribution of the detenus to close down one of the detention camps and thereby effect countervailing savings in expenditure. These training centres are intended for those detenus who are prepared to work hard with a view to taking up as an occupation the forms of industry or agriculture in which they are receiving training, and youths cannot be admitted who are not prepared faithfully to observe the normal routine of work which has been laid down. Broadly speaking, these institutions are being run as boarding schools and the only restrictions placed upon those under training are that they shall not pay visits to or receive visits from any person without previous permission, submit all letters whether received or intended for issue for censorship and not leave the institution except with the previous permission of the officer-in-charge. It is hoped that the training given will enable the detenus to settle down in profitable occupations when the time comes for them to be released.

I now turn to the details of the estimates. As in the past I shall endeavour to confine myself to the salient features, but if any member requires further information on any point which he cannot find in the estimates themselves or in the Financial Statement which accompanies them, both Mr. Gladding and myself will be pleased to see him either here or in Writers' Buildings, while my colleagues will be glad to assist in respect of departments under their several charges.

1934-35.

8. The year 1934-35 opened with a balance of Rs. 13½ lakhs. The actual expenditure on revenue account was Rs. 11 crores 8 lakhs and exceeded the actual receipts on revenue account by Rs. 5¼ lakhs. As compared with the revised estimates the actual revenue expenditure was less by Rs. 9½ lakhs and the actual revenue receipts were better by Rs. 12 lakhs. Under the capital heads actual receipts amounted to Rs. 62½ lakhs as against an actual expenditure of Rs. 40¾ lakhs. The net result was that the year closed with a balance of Rs. 30 lakhs, Rs. 12½ lakhs of which was held in the Famine Insurance Fund.

1935-36.

9. In the budget estimates for the year 1935-36 the receipts on revenue account were placed at Rs. 11 crores 2¼ lakhs. According to the revised estimates the figure is Rs. 11 crores 42¾ lakhs, an increase of Rs. 40½ lakhs. Of this sum of Rs. 40½ lakhs, Rs. 15 lakhs is due to an increase in the receipts falling to our share in the proceeds of the jute export duty, Rs. 9 lakhs to receipts under the Bengal Electricity Duty Act, Rs. 3 lakhs to increased receipts under Scheduled Taxes partly consequent on the passing of the Amusements Tax Amendment Act of 1935 and Rs. 1¾ lakhs is accounted for by the yield of the Tobacco (Sales Licensing) Act. "Land Revenue" is also expected to be better than originally estimated by Rs. 11¼ lakhs, and "Forests," by Rs. 2 lakhs; but against these improvements have to be set off anticipated decreases of Rs. 3½ lakhs under each of the heads of "Excise" and "Stamps." On capital account two items call for comment. The first is the increase of Rs. 10 lakhs under "Advances from the Provincial Loans Fund," which represents the increased provision made for the payment of the commuted value of pensions. The second is a receipt of Rs. 16 lakhs being the grant made by the Government of India for the economic development and improvement of rural areas. The expenditure of this grant will be spread over two years, and at present it is estimated that Rs. 5½ lakhs will be spent this year and Rs. 10½ lakhs next year. Taking both revenue and capital receipts together, the revised estimates provide for a total revenue of Rs. 12 crores 28½ lakhs. On the expenditure side it is anticipated that the

total expenditure on revenue and capital account will be Rs. 12 crores 33¾ lakhs which is Rs. 7¼ lakhs less than the budget figure inclusive of the supplementary grants. The excess of expenditure over revenue in the revenue account is Rs. 15½ lakhs. The receipts on capital account will however exceed capital expenditure by Rs. 10½ lakhs and in the result, there will be a deficit of Rs. 5 lakhs, which will be met out of the opening balance.

1936-37.

10. I now turn to the coming year. The Council will find explanations of the chief variations in the Financial Statement, and I shall only deal with the main points. The budget figures for receipts on revenue account follow closely the revised, and the only two heads which exhibit any marked departure from the revised are "Civil Works" and "Miscellaneous." Under "Civil Works" the budget figure is higher than the revised by Rs. 8½ lakhs. This is due to anticipated larger expenditure on Road Development Fund works and a consequent larger transfer from the Road Development Fund account. Under "Miscellaneous" the higher budget figure is mainly due to increased receipts under the Electricity Duty Act and the Tobacco (Sales Licensing Act, consequent on these Acts being in force throughout the whole of next year as opposed to only part of the present year. In regard to receipts on capital account the only item to which I need draw attention is the provision for a loan of Rs. 18 lakhs for the payment of the commuted value of pensions. Exclusive of the advance to be taken to cover the anticipated deficit, the estimate of the total receipts on revenue and capital account stands at Rs. 12 crores 48¼ lakhs.

11. As regards expenditure, the estimates provide for an expenditure on revenue account of Rs. 11 crores 90¾ lakhs. The increase of Rs. 32½ lakhs over the revised estimate of the present year is more than accounted for in an Appendix attached to the printed copy of this speech. The Council will notice that the final instalment on account of the restoration of the cut in pay, an increase in the provision for the reduction or avoidance of debt, the cost of preparing electoral rolls, additional expenditure on roads from the Central Road Development Fund, the statutory grant towards the New Howrah Bridge and the increase in the provision for superannuation allowances and pensions account for Rs. 27¼ lakhs out of this total increase of Rs. 32½ lakhs. The balance is spread over several budget heads. As members of the Council are aware, overcrowding in our jails is a serious problem, and during the session held in December last they approved of funds being provided for the conversion of one of the barracks at Dum-Dum into a jail at a cost of Rs. 1,20,000. The conversion of this barrack forms part of a larger scheme for the construction of a Central Jail at Dum-Dum at a total cost of Rs. 10¼ lakhs. It is now proposed to proceed with the complete

scheme and for this purpose a provision of Rs. 2 lakhs has been made in addition to the amount required to meet expenditure during the coming year on that part of the scheme already in progress. Another item of new expenditure to which I would invite the attention of the House is the provision of Rs. 1,10,000 for additional staff in the Co-operative Department. The severe strain to which the co-operative organisation has been subjected since the onset of the economic depression has disclosed defects and weaknesses, and in order to put these right it is proposed to strengthen the staff of the Co-operative Department during the ensuing year by 5 Assistant Registrars, 5 Divisional Auditors, 34 Inspectors, and the connected clerical and menial staff. The ultimate average annual cost of this additional establishment is over Rs. 2 lakhs; the provision of Rs. 1,10,000 in the budget represents the estimated cost for 8 months. The third item which I propose to single out for special reference is the provision made for contour surveys and river gauge readings in West and Central Bengal. As has been emphasised on previous occasions in this House, preliminary surveys are essential before schemes can be undertaken under the Bengal Development Act. Work has already started on these surveys, and provision has been made both in the revised and budget estimates; the provision in the budget is Rs. 70,000. The collection of hydraulic data is also an essential preliminary to any development scheme and during the coming year it is proposed to allot Rs. 10,000 for the purpose of recording river levels and discharges.

The fourth and last item to which I wish to refer is the provision of Rs. 27,000 for the establishment of a Goat Tissue Vaccine Depot and the entertainment of 9 additional Veterinary Assistant Surgeons. During the last 3 years, experiments have been conducted into the application in the field of a new method for the protection of cattle against rinderpest by the use of Goat Tissue Vaccine in place of anti-rinderpest serum. The experiments have been successful, and this year the new method proved itself most efficient in dealing with an exceptionally severe outbreak of cattle plague in certain districts in Eastern Bengal. In view of the success achieved it has been decided to establish a permanent Goat Tissue Vaccine Depot in the province, and in order to enable the department to make full use of the new method and thereby to deal more effectively with outbreaks of cattle plague, it has been decided to increase the number of Staff Veterinary Assistant Surgeons by nine.

12. I now turn to the capital heads. The Council is already aware that the exceptionally high flood in the Damodar River in August last caused serious damage to the Anderson Weir at the head of the Damodar Canal System. The revised estimate for repairing and reconditioning the weir is Rs. 12,98,000. This is higher by Rs. 3,71,000 than

the estimate first prepared because it is now proposed, for greater safety, to put in piling on the downstream side of the weir as well as on the upstream side. The work will be carried out during this year's and next year's working seasons. The provision of Rs. 10,45,000 under the capital head "55—Construction of Irrigation Works not charged to Revenue" includes Rs. 8,12,000 on account of this work. Several Government offices are located in rented buildings in the city, and it is proposed to erect a new building for the accommodation of these offices on what is known as the "Army Clothing" site in Belvedere Road in Alipore. The cost of the building is estimated at Rs. 6,50,000 and a provision of Rs. 3 lakhs has been made under the capital head "60—Civil Works not charged to Revenue" to cover the expenditure on this project during the coming year. It is expected that the project will be remunerative, and it is proposed to finance it by means of a loan. The provision of Rs. 20 lakhs under the head "Loans and advances by the Government of Bengal" includes Rs. 10 lakhs for loans to agriculturists and Rs. 8½ lakhs for loans to local authorities. The latter amount is considerably larger than the provision made during the last few years and provides for loans to no less than 14 local authorities, chiefly for water-supply and drainage projects.

Taking the Revenue and Capital Account together, but exclusive of the advance to be taken to cover the deficit, the estimate of receipts stands at Rs. 12 crores 48¼ lakhs and that of expenditure at Rs. 13 crores, disclosing a deficit of Rs. 51¾ lakhs. Of this deficit, Rs. 12½ lakhs will be met out of the opening balance and Rs. 39¼ lakhs will be covered by an overdraft from the Government of India.

13. At the close of my budget speech last year I referred to the financial enquiry which is to precede the inauguration of the New Constitution. Sir Otto Niemeyer is now in India undertaking that enquiry and during his recent visit to Calcutta we discussed with him in full detail our whole case in regard to the financial arrangements between the future autonomous province of Bengal and the Central Government. Bengal's claims in this matter are well known to all, both inside and outside this House, and I do not propose to-day to weary the Council by still another recital of those claims. We have devoted much time and thought to the preparation of our case and members of the Council may rest assured that we have sought, to the best of our ability, to establish what we are all agreed Bengal can justly claim, a financial settlement which will redress the injustice of the past and enable the Government of the future to maintain a standard of administration reasonably adequate both in itself and in relation to the standards attainable in other comparable provinces. We have spared no effort to establish Bengal's case and we now await the final decision.

Appendix

	[In thousands of rupees.]
(1) Restoration of the 5 per cent. cut in pay ...	1·41
(2) Reduction or avoidance of debt ...	1·37
(3) Preparation of electoral rolls ...	7·50
(4) Provincialisation of the Boiler Inspection Establishment ...	1·28
(5) Increased provision from the Roads Development Fund ...	8·50
(6) Statutory grant towards the New Howrah Bridge ...	4·00
(7) Increase in the provision under superannuation allowances and pensions ...	4·40
(8) Construction of a new Central Jail at Dum-Dum ...	2·00
(9) Additions and alterations to the Old Jorabagan Court building for the accommodation of the Police staff ...	40
(10) Construction of certain buildings in the Reserve Police Lines at Comilla ...	40
(11) Reconstruction of the perimeter wall of the Rajshahi Central Jail ...	41
(12) Extension of the Sadar Registration Office building at Alipore ...	30
(13) Strengthening of the staff of the Co-operative Department ...	1·10
(14) Strengthening of the Excise Detective Staff ...	26
(15) Increased provision for Contour Surveys and River Gauge Readings ...	60
(16) Building grants to the Jewish Girls' School, Calcutta, St. Francis Xavier's School, Chittagong, St. James' School, Calcutta, and St. Michael's School, Darjeeling ...	23
(17) Capital grants to the Victoria Institute, Calcutta, Mathberia Latif Institute, Bakarganj, Nandan Kanon Middle English School, Chittagong, and Bagerhat College ...	28
(18) Establishment of a Goat Tissue Vaccine Depot and the entertainment of nine additional Veterinary Assistant Surgeons ...	27
Total ...	34·71

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Municipal (Amendment) Bill, 1936.

Mr. PRESIDENT: We will now begin discussion on the Bengal Municipal (Amendment) Bill. It may be in the recollection of the House that we had finished clause 27. We shall now take up clause 28.

Clauses 28, 28A and 29.

Maulvi ABUL QUASEM: I beg to move that clause 28 be omitted.

In clause 28 what is proposed is that the words "and assessment" shall be omitted from section 137. That is to say, what clause 28 proposes is that only a new valuation list shall be prepared once in every five years. Sir, the implication is that no new assessment list need be prepared for five years even though a new valuation list is prepared. I do not know what purpose Government have in making this proposal. Sir, under section 133 a valuation list is required to be prepared, and section 136 requires the preparation of an assessment list. Clause 27 of this Bill which has already been accepted by this House has deleted the provision in relation to the preparation of the assessment list by an assessor. We can understand the meaning of that deletion; that might be saving of much cost. I do not understand when under section 136 the requirement regarding the preparation of the assessment list is allowed to stand how in section 137 Government propose that the assessment list need not be prepared every five years. Under section 133 every holding within a municipality is to be valued by an assessor and on that valuation will depend the different rates that will be imposed under section 123. Whenever there is a new valuation list, a new assessment list will be necessary. The valuation is the basis on which the assessment list will have to be built up. It is difficult to understand when there is to be a valuation list every five years why there should not be an assessment list also every five years. Government's intention is not at all clear to me. The assessment list has been given a very great importance under the new Bengal Municipal Act (Bengal Act XV of 1932). Under section 139 an entry in the assessment shall be a conclusive proof of the annual value of a holding and of the rates payable in respect of a holding during the period to which the list relates. The assessment list is to be used in the course

of a suit in respect of rates and taxes for money purposes as a conclusive evidence and paragraph (*a*) of that section leads one to the conclusion that this assessment shall be in existence and valid for a particular period and not necessarily for a single year. The proposed omission from section 137 would appear to give the impression that an assessment list need not be prepared every five years, although the assessment is to be kept up to date on the basis of every new valuation list: otherwise, its importance as a conclusive price of evidence will be altogether lost. Then under section 138 whenever an amendment or alteration of the name of any person or any property, etc., is made during the period during which a new valuation will be in force, it is to be made in the assessment list and not in the valuation list. May I refer to paragraph (*c*) of section 138 (*1*) which says—"by altering the valuation or assessment of any holding which in their opinion has been incorrectly valued or assessed"? Whenever the valuation of any holding is to be revised, it is to be with reference to the assessment list and not with reference to the valuation list. That also shows that the Act as it at present stands, assigns an all-important part to the assessment list. But that importance of the assessment list Government seem to be bent upon taking away. The assessment list would remain as important as it is now. Government do not seem to have put forward any amendment so far as these sections—sections 136 and 138 and others—are concerned. If the importance of the assessment list is allowed to remain as it is, I do not understand why the preparation of the assessment list along with the valuation list should not also be insisted on by law. That is the point which I want to make and with that intention I proposed that the clause should be omitted. Now referring also to section 147, I say that clause 28 should be omitted. It refers to the authentication of the assessment list. In my humble opinion, as far as I have read this Act, the assessment list is a document which is of supreme importance so far as this Act is concerned. Of course, as I have already said, it is based on the valuation list which has to be prepared under section 133. Once prepared it is of supreme importance in its relation to very many sections of the Act. Its importance has been emphasised in no uncertain terms. I do not see why under section 137 an assessment shall not be prepared along with the new valuation list. It is not understood how the assessment is to be kept up to date in the light of the new valuation list, for ownership of holdings, changes in process of time. As section 136 requires that the name of the owner should also be given, I do not understand why a new assessment list along with the new valuation list should not be prepared. I would submit, Sir, that the requirement of a new assessment list along with a new valuation list is essential once every five years and the present provision should be allowed to stand. With these words I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. There is a difference, and I find the hon'ble mover himself recognises it, between the assessment list and the valuation list. The valuation list is prepared under section 133 with the help of an assessor. He finds out the annual value of a holding and on that annual value at what rate the assessment is to be imposed is determined just at the close of the year under section 135 by the Commissioners at a meeting. So the presence of the assessor is not necessary for the imposition of the rate. The rate is calculated on the annual value. Once the annual value is determined under section 133 that assessment remains in force for five years unless Government direct another assessment in the meantime. So the assessor has no function within five years. I would draw the attention of the House to clause 27 of the Bill. The amendments now suggested are practically corollaries to the amendment accepted by the House in clause 27 of the Bill. It is wholly unnecessary to maintain an assessor throughout the year only for the purpose of determining at what rate the rates should be charged. That is a point the Commissioners decide at a meeting. When the annual value is fixed under section 133, the rate can be easily calculated on the annual value. In this view of the matter I think the House should accept the amendment which has been suggested in the Bill and should not omit it as moved by Maulvi Abul Quasem.

Maulvi ABUL QUASEM: May I put a question to the Hon'ble Minister?

Mr. PRESIDENT: Yes. But you cannot make another speech.

Maulvi ABUL QUASEM: It is a case of honest misunderstanding. Will the Hon'ble Minister be pleased to consider when under section 136 the assessment is required to be made by the assessor the House has already accepted that: why the valuation list should not also be prepared by the assessor?

Mr. PRESIDENT: Order, order. You are not putting a question, but arguing the case.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The valuation list is to be prepared under section 133 and the assessment is made under section 135. So I do not think the assessor has any function within these five years.

The amendment was put and lost.

The question that clauses 28, 28A and 29 stand part of the Bill was put and agreed to.

Clause 30.

Maulvi ABUL QUASEM: I beg to move that clause 30 (*1*) be omitted.

Sir, at the very outset, I would most respectfully submit that the honest misunderstanding to which I have already referred, the Hon'ble Minister has not cleared up; otherwise, I would not have taken the time of the Council in moving this motion.

Mr. PRESIDENT: You cannot go into that again. There would be no end of it in that case.

Maulvi ABUL QUASEM: Under section 136, an assessment list has to be prepared, but what the House has accepted is that the assessment list need not be prepared by an assessor; it may be prepared by the municipality by its own officers. What I wanted under section 137 was that this requirement should remain; that only the requirement of the preparation of the assessment list should be allowed to stand. But I find that a misunderstanding has taken place, and as a result of that, I dare say that another amending Bill will have to be brought forward soon.

Since the assessment list is a necessity in connection with a new valuation list, and since the Act does require the preparation of a valuation list under section 133 and the preparation of an assessment list under section 136, I think that wherever the two lists are mentioned, they are mentioned rightly and not wrongly. Government by omitting this are doing something of which, I think, they would have to repent very soon. The Bengal Municipal Act of 1932 left many loopholes and anomalies, and this amending Bill is an evidence of those anomalies and difficulties. To remove some of those difficulties and anomalies, as they strike me, I have honestly tabled the amendments, and I have to express my regret that due consideration which ought to have been given to them by Government has not been given. I submit that since section 133 requires the preparation of a valuation list, and section 136 does require the preparation of an assessment list —not by n assessor as hitherto, as a result of the amendment just accepted—the words "assessment list" ought to have been there. When I proposed the previous amendment, Government opposed it not for very good and sound reasons. I submit, Sir, that the omission of the words "assessment list" from all the sections is a blunder.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The hon'ble mover should never have moved this amendment logically as the House has rejected the previous amendment of his. This is a consequential amendment, and on the same grounds I oppose the amendment.

The amendment was put and lost.

The question that clause 30 stand part of the Bill was then put and agreed to.

Clause 30A.

Maulvi ABUL QUASEM: Sir, I beg formally to move that clause 30A be omitted.

I have already advanced the reasons for doing this.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I formally oppose the amendment.

The amendment was then put and lost.

The question that clauses 30A and 31 stand part of the Bill was put and agreed to.

Clause 31A.

Mr. S. K. HALDAR: I beg to move that clause 31A be omitted.

Sir, clause 31A embodies the suggestion contained in clause 6 of the Bengal Municipal (Amendment) Bill introduced by Mr. P. Banerji. In accepting this amendment, the Select Committee overlooked the fact that it may be impossible to give effect to it in the case of certain small municipalities. There are 16 small municipalities in Bengal, in which the number of Commissioners is only 9—7 elected and 2 nominated. Some of these contain one or two wards only. It will be very difficult, if not impossible, to find in some of these municipalities four Commissioners who do not come from the particular wards of which the review applications have to be decided. Even if exactly four Commissioners were available, it may not be desirable to be forced to appoint all of them on the appeal committee. Moreover, the law, as it stands at present, cannot give rise to any practical administrative difficulty. If one of the members of the appeal committee cannot attend the meetings regularly, he can always be replaced by another Commissioner. For these reasons, I commend my motion to the acceptance of the House.

Mr. P. BANERJI: Sir, I rise to oppose this motion for the simple reason that this was very thoroughly discussed in the Select Committee, and was unanimously accepted by them. It has been said, however, that in some municipalities where there are only nine members of which five will have to form the appeal committee, there might arise some difficulties. I fail to understand what those difficulties would be. I do not see that there would be any practical administrative difficulty.

if the clause were retained. The Act, as it at present stands, provides that in the appeal committee there should be a Chairman and two members, and in the absence of one member, the committee will not be able to sit for want of a quorum. As a result of that, persons who come before the committee to present their case, go away disappointed, and are thus put to considerable inconvenience. Such cases often happen in nine out of ten. The mover has said that there will be no difficulty because if one member is absent on a particular day, he can be replaced by another member. It is absurd to suggest a proposition like that, because in that case the Commissioners will have to sit again to appoint another member, and the same difficulties will, therefore, arise. It is, therefore, not such an easy thing as has been suggested by the hon'ble mover. When opinions were taken from the municipalities, they unanimously approved the idea that there should be a change like this. Sir, the Select Committee after mature deliberation came to the conclusion that if a minimum quorum were fixed, it was probable that out of five members, three would always be present, and that would obviate the difficulty. I do not understand, therefore, for what earthly and cogent reasons Government propose to delete this clause.

Khan Bahadur A. F. M. ABDUR-RAHMAN: Sir, I rise to oppose the amendment for the deletion of clause 31A, because section 149 of the Bengal Municipal Act does not contemplate that more than one appeal committee can be formed for reviewing applications presented under section 148. Sir, I am sure for facility of work and speedy disposal of objections the Select Committee thought it fit to raise the number of members of the appeal committee from three to five. Sir, most of the Municipal Commissioners are expected to attend to other business, so in case if one of the members of the appeal committee is absent, the committee cannot function and will have to adjourn its sittings repeatedly in order to suit the convenience of all the members. Under the new Bengal Municipal Act notice should be given to all the objecting rate-payers at the time of hearing the objections of the appeal committee. Therefore, Sir, any adjournment of the sitting of the appeal committee will be a great hardship and inconvenience to the rate-payers and will also cause great difficulties in the municipal administration. Sir, those who are directly connected with the administration of mufassal municipalities can only understand the actual difficulties of securing attendance of the Commissioners in the meeting. Sir, if it is not possible to raise the number of the appeal committee to seven as I have suggested, even the acceptance of the recommendations of the Select Committee will be a great improvement and will greatly facilitate the work of the appeal committee, because the appeal committee will be able to sit with any three members and they will not have to adjourn the meeting frequently. Sir, an appeal committee

sometimes is required to sit for a number of days in succession. So it is next to impossible to make the same set of people sit continuously for days together. Sir, it is not clear in the Act how long an appeal committee can continue the function when once formed and when it should be dissolved. Sir, in this connection, I may point out that in the old Bengal Municipal Act, discretion was given to the Commissioners. The old section 114 was that every application should be heard and determined by not less than three Commissioners. So, Sir, my humble suggestion is that unless the section relating to the appeal committee is amended to some other form in the light of experience gained about the actual difficulties in the smooth running of the work of the appeal committee, the Secretary, Local Self-Government Department, will be pleased to accept the well-thought-out and reasonable recommendations of the Select Committee.

Mr. NARENDRA KUMAR BASU: Sir, as I had occasion to say the other day in connection with another amendment, one does not know why this amendment has been brought forward by Government. This clause 31A was added in the Select Committee practically unanimously. I am not sure if the Government at that stage raised any objection to this amendment being made. As far as I remember, they did not. Since then, I do not know what has influenced the Government to ask for the repeal of this new amendment. It seems to me that so far as this amendment is concerned, I mean not the amendment we are now speaking of, but the amendment which was sought to be made by the Select Committee, that would facilitate the business of municipalities and that would be in the interests of the rate-payers as well as of the municipalities themselves. But what information has been gathered by the Government between the meetings of the Select Committee and the tabling of this amendment to delete this new clause 31A is a sealed book to us, and I would certainly like either the Hon'ble Minister or his Secretary or someone else from the Secretariat to enlighten us as to what has caused Government to go back upon the decision of the Select Committee. Sir, it will be in the recollection of the House that this clause, as stated in the Report of the Select Committee, gives effect to the suggestion, which was accepted by the committee, contained in clause 6 of the Bengal Municipal (Amendment) Bill, 1935, introduced by Mr. P. Banerji on the 19th of August, 1935. The additional provisions as to quorum, etc., were considered to be necessary by the Select Committee.

Sir, I am quite sure that if this had not been accepted by the Select Committee at that stage, the Report of the Select Committee on Mr. Banerji's Bill would have been quite different. Mr. Banerji agreed to withdraw his own Bill, because, even though the first five clauses of that Bill had not been accepted by the committee, the sixth clause

was accepted by the Select Committee which sat on these Bills together; and I submit, Sir, that something very strong must be shown to the House—must be disclosed to the House—to allow of Government now going back upon the assurance that was practically given by them to Mr. Banerji and to the Select Committee. I submit, Sir, that it does smack of something like breach of faith on the part of Government now to seek to omit clause 31A.

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Maulvi ABUL QUASEM: Mr. President, Sir, I rise to oppose the amendment which has been moved by the Secretary of the Local Self-Government Department. It has already been pointed out to this House that clause 31A of the Bill was adopted by the Select Committee because of a provision contained in Mr. P. Banerji's Bill which, also, was referred to the same Select Committee. The clause which the Select Committee adopted was adopted by them because there were very good reasons for it. Under section 149 of the present Bengal Municipal Act an appeal committee has got to consist of a Chairman and two Commissioners have got to be appointed by the Commissioners at a meeting. Mr. Haldar has said that if a particular Commissioner is unable to attend or if he does not think that he can continue to be a member of the appeal committee he may resign, and forthwith another member will be appointed in his place. Mr. Haldar, I believe, has overlooked the fact that whenever a Commissioner, who is a member of the appeal committee, resigns from that committee, his successor will have to be appointed by the Commissioners; that means a formal summoning of all the Commissioners at a meeting and this will take time. The present arrangement has given rise to serious practical difficulties. I have heard complaints from a number of Chairmen that it is very difficult to get together all these people, in order to form the committee. Notice has already been served upon these people who have applied for revision of assessment. The parties are present, but a particular Commissioner may be absent and the whole thing may be held up on his account, there being no freedom left to the remaining members to carry on the work of the committee. The result is that the whole thing is suspended and postponed to a future date, which means accumulation of business. Unless these appeals for revision of assessment are disposed of speedily it will impede the legitimate work of the municipality, and it is because of this practical difficulty experienced in the administration of this particular section that the Bill of Mr. P. Banerji was brought forward, and I think it was for very good reasons that the Select Committee adopted the proposal embodied in clause 31A. One difficulty has been pointed out, and that is that there

may be many municipalities where there are only nine Commissioners. If five of them are to be chosen to form the appeal committee, some of these Commissioners may themselves be interested in connection with applications which come from their own wards. The law provides that whenever a particular ward Commissioner is interested in the application of a rate-payer of his own ward, he should not have anything to do with that application. The arrangement suggested in clause 31A, it is said, would militate against that, but I do not think there would be any insuperable difficulty. In the old Act the provision was that not less than three Commissioners, including the Chairman, shall form an appeal committee. Now, in the present Act a rigid number has been fixed, viz., the Chairman and two Commissioners; and all these three persons must attend in order to make a meeting of the appeal committee legal. This is the rigid rule, Sir, which has given rise, in practice, to endless difficulties, with the result that it has involved postponement of urgent matters to the inconvenience of both the rate-payers and of the municipal administration. This, Sir, is the reason behind clause 31A, which has been adopted by the Select Committee. If Government felt a real, genuine, difficulty as regards the number of Commissioners to constitute the committee a way may be found to solve this difficulty, by applying the provision at any rate to municipalities other than those whose membership does not exceed nine. I think there is every reason why Government should accept this proposal of the Select Committee and should not give it the go-bye. Having adopted it and having given an assurance to Mr. P. Banerji, who on this understanding withdrew his Bill, it is, as Mr. Narendra Kumar Basu has pointed out, rather unfair for Government to come forward at this stage and say that they cannot accept this arrangement. I therefore oppose the Government's proposal and support the retention of clause 31A.

I may point out, Sir, that Khan Bahadur A. F. M. Abdur-Rahman, who has opposed this amendment, is himself a Chairman of a municipality, and he understands probably better than many of us here what are the practical difficulties that beset the administration of a particular section of the Bengal Municipal Act. When he has spoken in support of this clause, as adopted by the Select Committee, I think Government should think twice before they seriously ask this House to vote for its deletion.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I oppose the motion for deleting clause 31A. The reasons given by the hon'ble member who has moved this motion on behalf of the Hon'ble Minister are these: In a municipality where there are only two wards and where there are nine Municipal Commissioners there would be difficulty in finding out the requisite number, for according to his interpretation of

section 149 of the Act the words "Commissioners of the wards" mean "Commissioners resident within the wards." But, Sir, the language of the section runs on these lines—"the appeal committee shall consist of the Chairman and two Commissioners who will be appointed at a meeting of the Municipal Commissioners and these Commissioners shall not be Commissioners of the wards from which an application is made," and there, Sir, lies the rub. The words "Commissioners of the ward" do not mean that the Commissioners should necessarily be resident within those wards: they mean Commissioners elected from those wards. That, Sir, is the only interpretation that can be put on the words "Commissioners of the wards," and it is on account of this misinterpretation of this section that this amendment has been tabled by Government. Really, Sir, I do not think there is any difficulty in finding the requisite number of Commissioners to form a quorum even in municipalities consisting of two wards and nine Commissioners. On this ground and this ground alone I oppose the motion, because the reasons given in its support are untenable: they are simply groundless. There is absolutely no difficulty whatever in interpreting these words. If you interpret them to mean Commissioners resident within the ward, then it would be importing something which is not there. For all these reasons, Sir, I oppose the motion.

Mr. S. M. BOSE: Sir, I have no doubt that Government are well aware that section 149 (*1*) as it stands is causing great difficulty, because that section says that the appeal committee should consist of three persons—the Chairman *plus* two Commissioners. If there are less than three present, the committee cannot sit. That, Sir, is an intolerable state of affairs, and Government must admit that the section as it stands is unworkable and is causing great inconvenience as appeals cannot be heard if any one of the two Commissioners fails to attend. Moreover, it should be remembered that these Commissioners are honorary men who work only for love and are not paid to attend, so that it may often happen that only one Commissioner out of two is present, or that none at all is present. It cannot be expected that the rate-payers will have to go home without doing their business on this account. So, it must be admitted that the section as it stands requires improvement and amendment, so that all the members of the Committee need not be present. The amendment adopted by us in the Select Committee was that instead of two, four should be adopted, so that there might be at least five members; and it is also provided that three shall form a quorum. Sir, I am free to admit that in certain cases where there are only nine Commissioners it may give rise to some inconvenience; but what is there to prevent Government from moving a short-notice amendment to meet this exceptional situation? I submit that the need for change is clear beyond doubt. If the section cannot be applicable to municipalities with nine members, yet I submit

that Government should bring forward some sort of amendment now to remedy this grave state of affairs. I, therefore, think that although clause 31A may not have been quite happily worded or may not be applicable in all cases, Government should come in with some amendment to remedy the state of affairs to which I have referred.

Mr. SHANTI SHEKHARESWAR RAY: I oppose the amendment moved by the Secretary, Local Self-Government Department. I do not know what are the feelings of Mr. P. Banerji just now. I do not know whether he thinks that in accepting the rather unorthodox procedure of referring his Bill to the Select Committee the Hon'ble Minister is merely working into a spider's net. After having accepted the suggestion of Mr. Banerji so far as this provision is concerned, it is certainly not fair to him or fair to the Select Committee to oppose the proposal. I hope, Sir, that in view of the support that Mr. Banerji's provision received from different sections of this House, the Hon'ble Minister will relent and withdraw this amendment. If he does not do that, our duty is clear. We must vote against the amendment. The Hon'ble Member has not advanced any substantial argument in favour of going against the recommendations of the Select Committee. It may cause certain amount of inconvenience in certain municipalities. From what we have heard from those who have got experience in this matter, it is clear that the proposed amendment in the Act will be conducive of better administration in most of the municipalities in this province.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I had been in connection with municipal affairs for upward of 25 years and from my long experience I can tell my friend the Hon'ble Minister that if he insists that all the three persons serving on the appellate committee should be present before any decision can be arrived at by the committee, I can tell him from my experience that it will be an impossible proposition. Either the Chairman will have to tell a lie and say that the two other members were present and obtain their signature for the disposal of matters or he will have to put off the consideration of all those objections for an indefinite period of time. I think that the proposition made in the Select Committee that there should be a committee of five with a quorum of three to work the appellate function of the municipality, is very sound, for it is not possible for three persons to be fixed together in such a way that all the three must always be present to dispose of the matter, and even if the Hon'ble Minister had been the Chairman and two other supermen were added to him, he could not discharge the duties under this condition. The practical proposition is, if you appoint a committee for working the administration you must propose a quorum; otherwise, there will be

great difficulty in tacking the three persons together in one place for doing their work. The poor Chairman will have to tell a lot of lies and to smooth matters for himself and take signatures of the other two members. This is my long experience in the municipal administration. I think the Hon'ble Minister ought not to put the Chairman of a municipality in such an embarrassing position. I do not think any more argument is necessary, and hope the Hon'ble Minister will look into the force of my argument and consider it in the light of our experience as expressed above. I hope he will accept the amendment of Mr. Banerji.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Out of deference to the wishes of the hon'ble members on the other side Government will like to suggest a short-notice amendment with your permission, and I hope that will meet the difficulty. I propose that in sub-clause (*1*) of clause 31A for the word "four," in line 2, the words "not less than two nor more than four" be substituted. I further suggest that in clause 31A(*2*) for proposed sub-section (*3*) the following be substituted, namely:—

"(*3*) The quorum shall be fixed by the Commissioners at a meeting."

I think that will meet the difficulty. (VOICES: That will do). Proposed sub-sections (*4*) and (*5*) remain as they are.

The amendment moved by Mr. Haldar was then withdrawn by leave of the House.

The amendment moved by the Hon'ble Minister was put and agreed to.

The question that clause 31A, as amended in Council, stand part of the Bill was put and agreed to.

The question that clauses 33, 34, 35 and 36 stand part of the Bill was put and agreed to.

Mr. PRESIDENT: With regard to clause 37 I would like to draw the attention of the House to a printing mistake that occurs in section 414B which should read like this: "The Commissioners at a meeting may."

The question that clauses 37, 38, 38A, 39, 40 and 41 stand part of the Bill was put and agreed to.

Mr. PRESIDENT: There is another printing mistake in clause 41 which will read as follows: "For clause (*ii*) of sub-section (*1*) of section 465 of the said Act the following clause shall be substituted, namely."

The question that clause 41 stand part of the Bill was put and agreed to.

The question that clause 42 stand part of the Bill was put and agreed to.

The question that clauses 44 and 45 stand part of the Bill was put and agreed to.

The question that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill as settled in Council be passed.

The question that the Bill, as settled in Council, be passed was put and agreed to.

Adjournment.

The Council was adjourned till 3 p.m., on Wednesday, the 26th February, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 26th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 100 nominated and elected members.

Public Accounts Committee.

Mr. PRESIDENT: Gentlemen of the Council, as a result of the election on Monday last, Mr. P. Banerji has been duly elected as a member of the Public Accounts Committee in the casual vacancy caused by the death of Khan Bahadur Maulvi Alimuzzaman Chaudhury.

STARRED QUESTIONS

(to which oral answers were given)

Ferries under Government management.

*16. **Raja Bahadur, BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in-charge of the Revenue Department be pleased to lay on the table a statement showing—

(a) the names of the ferries under the management of the Government at present,

(b) the year in which these ferries were resumed by the Government and the number and the date of the notifications under which they were so resumed,

(c) the names of the lessees of these ferries for the year 1935-36 and the rent at which they have been so let out by the Government?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*), (*b*) and (*c*) The information is not readily available and its collection would entail so much labour, time and expense that Government regret that they are not prepared to undertake the task.

Provident Insurance Societies in Bengal.

*17. **Seth HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to lay on the table a statement showing for the last five years in Bengal—

(*i*) how many Provident Insurance Societies were established and

(*ii*) how many had gone into liquidation or ceased to work?

(*b*) Is the Hon'ble Member aware—

(*i*) that there has been a phenomenal increase of these societies in the province;

(*ii*) that the majority of these societies have little or no financial strength; and

(*iii*) it is felt generally that these societies do a lot of harm to the insurance enterprise of the province by their unsound and bogus business methods, such as conducting their operations on "Dividing Plan," etc.?

(*c*) What steps, if any, do the Government intend taking to check the growth of these mushroom societies?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) and (*ii*) A statement is placed on the table.

(*b*) (*i*) Yes.

(*ii*) The law does not provide for any enquiry by Government into the financial strength of an applicant for registration. The number of societies which went into liquidation in the year 1934-35 points, however, to the conclusion that a considerable number of the societies were not in a sound financial position.

(*iii*) Government are advised that certain operations are actuarially unsound.

(*c*) The Government of India have decided that the existing law relating to the regulation of Insurance Companies and Provident Insurance Societies should be reviewed. They accordingly appointed an

officer on special duty for this purpose. His report has been received and is now under consideration.

Statement referred to in reply to clause (a) of starred question No. 17, showing registration and liquidation of Provident Insurance Societies during the last 5 years.

Year.	Registration.	Liquidation.
1930-31	... 60	... Nil
1931-32	... 103	... 1
1932-33	... 73	... 4
1933-34	... 121	... 4
1934-35	... 54	... 81

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state how many of the Provident Insurance Societies were forced to go into liquidation after the Special Officer had been appointed?

The Hon'ble Sir JOHN WOODHEAD: I cannot say.

Mr. P. BANERJI: Is it not a fact that one Inspector had been appointed, namely, Mr. Humphreys, to enquire into the financial condition of the companies and that on his report these 81 companies were forced to go into liquidation?

The Hon'ble Sir JOHN WOODHEAD: Certain companies were inspected under section 17 of the Act.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: How many men suffered as a result of the liquidation of these societies, and to what extent?

The Hon'ble Sir JOHN WOODHEAD: I cannot say.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Certain objectionable films.

4. Babu KISHORI MOHAN CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that some films produced outside India and containing slandering scenes about Bengal and the Bengalis and Indians are being shown in Calcutta Talkie Houses;

(*ii*) that the "Bengal Lancer" is a film of such nature and has been shown in Calcutta; and

(*iii*) that systematic propaganda against the Bengalis are being carried out by foreigners through the agency of such films?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, have the Government taken or do they intend to take in this matter?

(*c*) What steps, if any, have the Government taken to stop the exhibition of the "Bengal Lancer" film in Calcutta?

(*d*) Have the Government sent any note of protest to those who are responsible for such production and exhibition?

(*e*) Are the Government considering the desirability of banning such films in future? If not, why not?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*), (*ii*) and (*iii*) Complaints were received against the exhibition of certain films on the ground that they were calculated to wound the susceptibilities of certain people. One of them had been banned by the British Board of Censors. The others including "Bengal Lancer" were allowed to be exhibited after excision of objectionable parts.

(*b*) and (*d*) The matter was taken up by the Government of India. The member is referred to the answer given by the Hon'ble Sir Henry Craik to a similar question of Dr. P. N. Banerji in the Legislative Assembly on 16th September, 1935, a copy of which is placed on the library table.

(*c*) and (*d*) The objectionable parts of the film have already been excised and Government do not propose to take any further action in the matter.

(*e*) Each case will be considered on its merits.

RESOLUTIONS

on matters of general public interest.

Mr. PRESIDENT: It may be in the recollection of the House that when we rose last on 13th February we were dealing with Resolution No. 3. Maulvi Abdul Hakim was in possession of the House then, and he may now resume his speech.

Maulvi ABDUL HAKIM: Sir, I rise to support the motion tabled by Khan Bahadur Maulvi Hashem Ali Khan. The process-servers are servants under the Judicial Department. Every process-server has a fair knowledge in his vernacular and sufficient knowledge in English.

Educationally they are no less qualified and no less responsible than the peons of the Postal Department. The pay of an ordinary postal peon is Rs. 20—40, while the pay of a process-server is generally Rs. 16—20. The process-servers are debarred from getting any promotion to any higher service, while the ordinary postal peons may be promoted to the post of an overseer or cash overseer of the department on a pay of Rs. 40—80 a month. These postal peons and overseers get half pay pension like officers of other departments, but to their utter misfortune the process-servers draw a fixed pension of Rs. 4 with an allowance of Rs. 2 a month—a pension which is not fit even for a menial servant of Government or which is not equal to the price of a pair of shoes generally worn by a big man. What an irony of fate! What a dire injustice on the Department of Justice in our province! When we compare the position of process-servers of Bengal with that of Bombay, we are surprised to find that in Bombay an ordinary process-server gets Rs. 20—40 a month and the pay of a higher grade process-server has been raised from Rs. 40 to Rs. 50 a month. What is possible in Bombay is also possible in Bengal, and I see no earthly reason why the process-servers of this premier province in India should be treated unjustly in respect of their pay and pension. Will the Hon'ble Member in charge be kind enough to give me an answer to this? The subject matter of this resolution was discussed on many occasions on the floor of this House, but Government is still adamant not to redress this legitimate grievance of these process-servers, on the plea of financial stringency. Sir, there is a huge surplus every year from the realisation of process-fees as my friend Abdul Hamid Shah said the other day, and I can assure the Government that if all the pay of the process-servers of the province is raised from Rs. 20 to Rs. 40 and their pension, too, is raised to half this pay, still there would remain a surplus from the process-fees realised every year. Will the Hon'ble Member in charge be pleased to say on the floor of this House, why this surplus process-fee is spent otherwise than being spent for the pay and pension of these unfortunate process-servers on the lame excuse of financial stringency? Can we not call it a profiteering business on the part of Government and that, again, at the expense of poorly paid Government servants like process-servers? On no account Government should make any profit out of the process-fees realised in the name of giving remuneration to the process-servers. I would ask the Hon'ble Member in charge to give an honest reply to my statement.

The Hon'ble Sir JOHN WOODHEAD: I always give an honest reply.

Maulvi ABDUL HAKIM: My point will be more clear if I actually quote the figures from 1927 to 1934. During this period of 8 years the

process-servers have fetched to the Government a large surplus of over one crore and twenty lakhs of rupees in spite of unprecedented economic crisis throughout the country. From this figure we see, as my friend Maulvi Abdul Hamid Shah said the other day, that the process-servers of Bengal generally bring to the Government an average net income of Rs. 15 lakhs a year. And in spite of this glaring fact, no step has yet been taken to give them legitimate and proper pension, though a scheme for the same was prepared as far back as 1929. What can be more regrettable for them than the fact that these process-servers cannot draw as small a pension as Rs. 10 a month in their extreme old age even after their fetching to Government an average net annual income of Rs. 15 lakhs a year. Sir, I may add here that even a motor car driver or a cook of a big official draws more than the poor pay of a process-server. Are not the process-servers more responsible in their work than the car or carriage drivers or cooks of these big officials? These process-servers are sometimes assaulted or seriously wounded by the opposite party in the case while they are in the discharge of their duties. The Hon'ble Member in charge should no longer be unmindful of his duty towards the unfortunate process-servers. The dire inequity in the pay and pension of these process-servers is surely a pitiful defect and inconsistency in the rules and regulations laid down for pay and pension of Government servants. And this dire inequity and inconsistency may appropriately be called a great injustice being done to process-servers, and I now earnestly hope that our old and veteran Judicial Member should redress this long standing grievance of the poor and helpless process-servers and make his name immortal among these sufferers even after his departure from service and from the world.

Mr. P. N. GUHA: Mr. President, Sir, as one who had been long associated with the affairs of the process-servers of Bengal and as a past President of their Association, I think I would be failing in my duty if I do not speak a few words on this resolution. It should be remembered that the process-servers of Bengal have been ventilating their grievances for a pretty long period, but their case was not brought before the public before 1930. It was in August that year that my friend Babu Satish Chandra Ray Chowdhury of Mymensingh tabled a resolution in this Council and urged the Government to go into the matter. The late Sir William Prentice, who was then in charge of the Judicial Department of the Government, opposed the resolution of Satish Babu, and the atmosphere then created over the matter gave an impression in the minds of the bulk of the members that the grievances complained of were more or less imaginary. This, however, could not dishearten the process-servers and they continued their agitation.

It was, Sir, in March, 1931, that the late Sir William Prentice agreed, at my request, to receive a deputation of the process-servers of

Bengal, and I had the privilege of leading this deputation. Sir William gave a patient hearing to all that the process-servers said, and I am inclined to think that he was convinced about the genuineness of at least some of the grievances of the process-servers, for he did not allow the matter to rest there. I need not remind the House that Sir William Prentice was a man who, if once convinced about the necessity of redressing a wrong, would not allow grass to grow under his feet. He very kindly sent for me twice after the deputation and discussed all matters in connection with the work of the process-servers. Thereafter Sir William issued several circulars to the officers in the mufassal and pointed out the work which the process-servers should not be asked to do. I need not go into details, and I think it is sufficient to say that many of the grievances of the process-servers were removed and these men felt greatly relieved. Not only this, but the association, which the process-servers had established long ago and to which no one ever thought it worth his while to attach any importance, was recognised by the Government of Bengal and declared as the competent body to speak in the name of the process-servers. All these were the doings of the late Sir William Prentice, and I need hardly say that this body of loyal servants working in a most humble capacity under the Government will always cherish his memory with love and reverance.

Sir, the main grievance of the process-servers was, however, not removed, for the cruel hand of death untimely removed Sir William from the field of work. That is, the question of their pension. Sir, it is well known that all grades of the servants of the State get suitable pension after serving for a number of years, and this pension generally amounts to half the pay at the time of retirement. But the case of the process-servers is different and as many previous speakers have said, they get a pension of only Rs. 4 irrespective of their pay at the time of retirement and the period of service they may put in. The process-servers have for long been begging of the Government to settle their pension in the line followed in the cases of the employees of other grades, but nothing has yet been done. The plea of the want of funds has been put forward year after year, and though the justice of the claim of these poor men has been admitted by the Judicial members one after another, yet the eternal plea of financial stringency has been responsible for turning away the beggars. I do not know if the financial condition of the Government of Bengal will ever be so solvent as may enable them to set apart a sum annually to cover the pension of these men. But, Sir, I may assure those whom it may concern that the old plea has reached the breaking point.

Sir, it was on the 11th August, 1933, that the Hon'ble Sir John Woodhead expressed his surprise at seeing a number of the members of this House tabling a resolution demanding an adequate provision for

pension of the process-servers, which if given effect to, would entail a heavy recurring expenditure. I fully realise the alertness of the guardian of the purse of the Government of Bengal and his annoyance towards any fresh proposal for expenditure, but at the same time I may tell my friend Sir John that if he had taken the trouble of having a look at the other side of the shield, he would have realised that so many members of this House could not be so irresponsible as to urge the Government to undertake the expenditure if that was not considered absolutely necessary. It will be seen, Sir, that 9 members tabled this resolution in July, 17 members in December, 1935, and again 13 have done so at the present session. That proves beyond a shadow of doubt that the bulk of the members of this House consider the expenditure quite justifiable and grievances of these hard-worked men as genuine. I will, with your permission, Sir, now deal with the question of finance.

First of all, I would draw pointed attention of the Hon'ble Sir John Woodhead and the Hon'ble Sir Brojendra Lal Mitter to the remarks made by the Hon'ble High Court on the Administration of Civil Justice in Bengal for the year 1933. It was pointedly mentioned in the report that so much as Rs. 24 lakhs were realised from the litigants as process-serving fees, but expenditure in that direction was less than even Rs. 10 lakhs. May I enquire, where has the balance gone to and why did the Government spend the surplus money in other directions? Sir, I find that during the coming year a sum of about Rs. 11 lakhs has been budgeted for the expenses to maintain the whole of the process-serving establishment in Bengal including the *nazirs*, *naib-nazirs* and other ministerial officers. Where again is the balance to go? Sir, I for one, cannot follow the logic that may be applied in spending money on directions other than the one which might have earned it. Anyway, I very earnestly request Sir John Woodhead to give sympathetic consideration to the cause of these poor men.

Sir, it may be recalled that on various occasions I requested the Government of Bengal to appoint a Special Officer to enquire into the grievances of the process-servers. The resolution I tabled on this behalf in more sessions than one of this Council could not come up for discussion for want of time, but I was very much satisfied to know that the Government did appoint such an officer who made an exhaustive enquiry and submitted a lengthy report. This report being a confidential one, I have no right to know its contents but, Sir, everyone has got the freedom of guessing things. I will, therefore, not be surprised if the scheme I outlined in a demi-official letter addressed to my friend the Hon'ble Sir Brojendra Lal Mitter on April 22nd last, tallied with the scheme recommended by the Special Officer in his report. Be that as it may, I hope I shall be pardoned if I repeat here the scheme that I recommended to the Hon'ble Judicial Member. Sir, I am told

that there are about 600 process-servers in Bengal each of whom has put in more than 30 years' loyal service and the majority of whom are over the age of 60. These men can be asked to go forthwith and their services can be terminated by giving them pension at the present rate. In that case, no one will be left in the whole service to retire at least within 5 years to come and, consequently, the Government will not have to face any recurring expenditure. Forced retirement of men who have no right to continue, will enable the Government to save a lot of money during the next few years to come and in the meantime they can formulate a suitable scheme for the pension. I hope and trust that the Government will find the scheme which I have just outlined as reasonable and suitable. I appeal to the Government not to make further delay, specially in view of the fact that the question of the pension of the process-servers has received administrative sanction so far back as in 1929.

Then, Sir, I will briefly state the reason which has induced many of us to take so much interest in the case of the process-servers. There was a time when the people belonging to the lowest range of the society only joined the process-serving establishment. But the time has changed and now the dearth of employment is inducing many educated young men of the higher classes of the society to cast a longing look towards the posts of the process-servers. Young men who have passed the Matriculation and Intermediate Examinations are already there, and I will not be surprised if our young graduates seek these posts within the next few years to come. It is for these would-be recruits that we want to have the status and position of the process-servers improved. Here I should, by the way, express my obligation and thankfulness to my friend the Hon'ble Sir Brojendra Lal Mitter who has done a lot in recent days to remove the indignities that had hitherto remained attached to the service of the process-servers. Many more things will have to be done in this direction, and I believe they will all come in the fullness of time, but the question of the pension is a vital one and that should be attended to at once. I can assure the Hon'ble Members of the Government concerned that a sympathetic and definite pronouncement on this behalf will satisfy the process-servers at present. I as their authorised agent can assure the Government that the process-servers will patiently wait if a time is mentioned within which the Government may find it possible to give effect to the revised scheme of pension. Delay we had enough and trivial excuse of financial stringency has proved to be sickening. Here, Sir, I will narrate a story: There was a man who spent an enormous sum of money on a ceremonial occasion in his house. He paid lavishly to everyone—milkmen, sweetmeat-wallahs, Brahmins and others—but he began to haggle when some day-labourers who collected plantain leaves on which eatables were served to thousands came for payment. The rich man spent hours and days in quarrelling with these

coolies over half an anna which, in his opinion, was charged in excess. Our Government seems to be in the same position. Everything in the country is going on as usual and money is being provided in abundance for the upkeep of the fat-salaried officers, but the cry of financial stringency is loud when the question of the pension of the process-servers is raised. This is an attitude which cannot be supported and it is time for the Government to give it up.

Sir, in conclusion, I think it my duty to tell the Government in very plain words that the association of the process-servers of Bengal is the only labour union in the whole province which has not yet shown any leaning towards the left wing. It has remained loyal throughout, and it is so even to-day, in spite of the inducements that are daily pouring in from various directions. I, therefore, earnestly request the members of the Treasury bench not to give further disappointment to these loyal servants of the State, and thereby goad them down to make a move in the wrong direction. Further, it should be realised that the nature of the human beings is that they reject the boon if that is not granted to them in the proper time. These men will be satisfied to-day if they get what they want now, but it is not impossible that they will pitch their demand at a higher level a few years hence, and will refuse to be satisfied with what they were clamouring for in bygone days. The attitude of the politically-minded Indians towards the coming Reforms is an instance to the point. I, therefore, make a final appeal to Sir John Woodhead to make a sympathetic and definite pronouncement.

Mr. P. BANERJI: Sir, I rise to support the resolution. I am glad that Mr. P. N. Guha, President of the Process-servers' Association, has made a pathetic appeal to the House and particularly to the Hon'ble Member in charge in the hope that their grievances this time will be redresesd. Sir, their's is the only just cause that deserves consideration, for the simple reason that there has been a persistent demand not only in this House but elsewhere also that the revised scheme of granting pension to the process-servers should be given effect to immediately and that their case has always been ignored. I notice that in reply to a question put in the Legislative Assembly, the Hon'ble the Finance Member of the Government of India said that the matter of granting pension to all inferior employees of the Central Government under the revised rules would be decided during the current financial year; and I am informed that they will be entitled to this revised scale of pension from April, 1936. Well, the Government told us at the time of the restoration of the 5 per cent. cut that when the Central Government restored this 5 per cent. cut, it was in the fitness of things that in spite of the financial stringency of the provincial Government, the cut here must also be restored because there should not be any differential treatment between one Government official and the other. If there is any

force in that argument of the Finance Member and if Government really want to accord uniform treatment to all their officials, then I think they should have no hesitation in accepting this resolution. Then, there is another thing which I should like to refer to in this connection. In the Civil Justice Administration Report, 1933, a remark was passed by the High Court to the effect that in the year under review, while more than Rs. 24 lakhs were realised from private parties in the shape of fees for the service of processes, the total expenditure incurred for the establishment of process-servers was less than Rs. 10 lakhs, and this included the pay of *nazirs* and also clerks. This is money which is realised not as Government revenue but is received from private individuals for a definite purpose, and if that money is to be spent, it ought to be spent towards that purpose. But Government are not spending adequate sums for these process-servers; they are making a lot of saving out of this money. As has been pointed out by several speakers, and particularly Mr. Guha, from 1930 right up to the 20th March, 1935, Member after Member on behalf of Government gave the assurance that the case of the process-servers would be considered as soon as funds permitted. We know that this paucity of funds is the only argument that is conveniently advanced by Government in season and out of season so far as these process-servers are concerned, while the expenditure in other departments is increasing by leaps and bounds every day. Sir, the other day I was present at a conference which was opened by the Hon'ble Sir B. L. Mitter, K.C.S.I., when he said that the grievances of the process-servers which formed the subject matter of another draft resolution, namely, pension entirely rested with the Finance Department and that if he could get money from the Finance Department, then everything possible would be done by him. The pay of a process-server varies from Rs. 16 to Rs. 20 and after a service of over 30 years he becomes entitled to a pension of Rs. 4 only instead of Rs. 8 or Rs. 10. This is a very small matter. In consideration of the service that is put in by them and the income that is derived by Government in this department, a pension of 50 per cent. of their pay is quite a legitimate demand and should have been granted long ago. The reason why public opinion has been so much manifest about their case both in this House and outside is, I believe, because they do not get sufficient support from the higher officials. Therefore, I think it is high time that Government should intervene in this matter and set things right. With these words I support the resolution.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to say a few words on this resolution. But I do not propose to sing in the same tune as has been adopted by the previous speakers on this subject. For some time past I have been watching that these process-servers have got a good many influential friends outside this Council and certainly within it. I wonder how these process-servers have been successful in securing

the support, co-operation, kindness and sympathy of all these esteemable and illustrious gentlemen. Some of them have been induced perhaps of becoming their friends by being given the high honour of presiding over their functions. I am perfectly certain about some who have been given the position of importance——

Mr. PRESIDENT: I do not think you should pursue that point.

Rai Bahadur Dr. HARIDHAN DUTT: All right, Sir. I do not think it is worth while for me to move in this matter. For some years past I have been noticing in this Council that there have been many sitting members who put a dozen questions and moved several resolutions on this subject. After all, it strikes me that when so many of my friends and colleagues in this Council take interest in the process-servers, there must be something worth enquiring. But at the same time I cannot but point out to this Council the other aspect of the question. I have no great experience of the mufassal. I have been in Calcutta since my birth; I know Calcutta but not the mufassal; that is my difficulty. But I understand that these process-servers extend their services and importance in Calcutta as well. They form a cadre which has its activities in the law courts of Calcutta also. So I, as a Calcutta man, may be pardoned if I say what we feel in Calcutta. In Calcutta we find that these process-servers are a class of men whose services cannot be obtained at least satisfactorily unless you pay them something more than what is legitimately due to them. I am disposed to think that anybody who has knowledge of Calcutta will perhaps confirm my statement when I say that no service can be had from these men in the Calcutta courts unless an additional sum is put into their hands. I have personal knowledge of some cases in the small cause court. I ask my friends in all seriousness and I ask my friend Mr. Guha to tell me if they can have services from the process-servers in the Calcutta small cause court unless they pay them taxi hire of Rs. 5.

Mr. P. N. GUHA: On a point of order, Sir. The Calcutta small cause court is outside the jurisdiction of this motion.

Rai Bahadur Dr. HARIDHAN DUTT: Whatever that may be, if the process-servers in the small cause court form one section of the same body of which the process-servers in the mufassal certainly form the other, and if we have a scale of pension for one section, that should certainly apply to the other section. Those who have knowledge of the actual work of the process-servers can of course come forward and say: "Well here is a class of public servants who deserve to be treated as luxuriously, if I may say so, as has been suggested." I do not mean that by giving pension to them it will be something of that nature. But

I do say that some of these process-servers, although they are deprived of the pension for which they are crying, do get some money from the people whom they serve, whether by some hook or by crook I do not know. Sir, I have enquired from some of my mufassal friends and they have told me that the average income of a process-server in the mufassal comes up to Rs. 100 a month. I am told that some of them live with their families in their place of business. Well, my friends may say: How is it possible? To that my reply is that it is a fact. Sir, my point is that if these process-servers as a body deserve any pension, give it to them by all means, but it should be ensured that they should be above corruption; that is the point I am aiming at. I have heard some of my respected European friends say: "This is the *dastoor* of your country." Well, I feel ashamed to say that there is some truth in that. I wish that for the good name of my country this stigma should be effaced and these process-servers who have close connection with the law courts ought to be really exemplary in their conduct with the people. They ought to be above bribe and corruption. If that could be done, I shall be most happy to support this motion for the grant of extraordinary privileges to them, and not before that.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I think Rai Bahadur Dr. Haridhan Dutt has produced some arguments in which we are not interested. What we are all interested in is that this class of pubilc servants should be kept above wants. Much depends on their doing their duties in a proper way. It is a well-known fact that these people have got to bear great hardships and sometimes they have got to work above temptation. Therefore, it is only reasonable and proper that this service should be made attractive to men who are above dishonesty. In that case, their pay and prospects ought to be improved. The pay that is at present given to them is hardly a living wage, and if at the end of their service, the pension is miserable, certainly you cannot demand of them that loyal, diligent and faithful service as you are getting from others. For these reasons I lend my support to this resolution. They are really doing their duties without bringing any slur upon their service. As a matter of fact, the administration of justice did not suffer on account of the conduct of these people. For these reasons I support the resolution.

MUNINDRA DEB RAI MAHASAI: Sir, I quite agree with the views that have just now been expressed by my friend Babu Satish Chandra Ray Chowdhury. An argument has been put forward by my friend Rai Bahadur Dr. Haridhan Dutt to the effect that a process-server drwing only Rs. 20 per month can maintain his family by spending Rs. 100 a month, which he can earn by unfair means, in the mufassal towns. But, Sir, one has to remember the fact that the pay is only Rs. 20 per mensem, and it is reasonable to ask: How can he meet his

family expenses unless he gets money from other sources? Unless these process-servers are well paid, it cannot be expected that their conduct should be aboveboard. There is no denying the fact that this set of people are very poorly paid servants of the State, and I believe they deserve consideration at the hands of Government.

Sir, some of my friends have suggested that these people earn a lot of money through what they call bribes, which, according to them, are about four or five times their pay. Yes, they may do so; it has been suggested that they make ample provision for their future and the future of their families, but what I would suggest is that if their pay and prospects are made better by Government, a better set of people might come in and thus the morale of the service could be improved. Sir, this reminds me of a story of the days of the *nawabs*. A man, who was in search of employment, approached a *nawab* and wanted service. As there was no vacancy, the *nawab* told him accordingly. In reply, the man said: "I am ready to serve even without any pay," and then the *nawab* gave him a post which entailed the duty of counting the waves of a river. The result was that the man took to the practice of stopping all the boats that plied along that river, squeezed as much money as he could out of the boatmen and thereby he managed to amass a large fortune. So, a person who is given an opportunity of taking bribes with an insufficient pay or even without any pay cannot be blamed for taking bribes. I think this set of ill-paid men deserve better consideration at the hands of Government.

With these words, Sir, I support the resolution.

Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, first of all I must thank you for your courtesy in allowing my friend Maulvi Abdul Hamid Shah to move the resolution that stands in my name. As the resolution stands in my name, I think it is my duty to speak a few words in its support. The rightful claim of these process-servers for a pension at the rate of 50 per cent. of their pay after 30 years of service has not been denied by Government during the last six or seven years, and to-day we find Dr. Dutt stating on the floor of this House that they do earn a living wage. But official enquiries made a few years back have shown it to be otherwise, and Government's replies to hundreds of questions and resolutions on this subject moved from year to year in this Council were that on account of financial stringency they could not give effect to them even in a modified form. Now, Sir, it is an admitted fact that these 4,000 or 5,000 people are serving this Government day and night, both in the interior as well as in the towns, in office duties as well as in mufassal duties, during the rains, winter, and summer, but the rightful claim of these people for a meagre pension at the time of their retirement so that they may pass the remaining days of their life in peace in their huts and cottages is being ignored and

denied. Sir, financial difficulties and stringency there are and will always remain as long as Government remains. We do not find that a time will come when the Government will be able to present before this House a balanced budget. Of course, we all believe that such a time will come, but we doubt very much whether we shall ever reach such a time. Dr. Dutt has just said that although these process-servers are poorly paid, yet their monthly income is not less than Rs. 100 and that they earn a good deal by corrupt practices from the litigant public and that they do not serve any processes unless they are paid something. Then, Sir, Dr. Dutt has also cast some reflections upon some hon'ble gentlemen who had the honour of presiding over the Process-servers' Conference, and I am also one of the victims of his sarcastic remarks. Sir, it is not for the prestige and honour of being the President of the Process-servers' Association that any of those gentlemen have accepted that position, but because these poorly-paid, half-starving, servants of Government are our brothers, living in the same country.

As for corrupt practices, my hon'ble friend the Rai Bahadur said that bribery was rampant among the process-servers. We all admit that bribery is an evil which is rampant in this country. I can reiterate and say with double force and can challenge anyone if we have not received circulars after circulars in the mufassal from the Hon'ble the High Court, from the District Officers, and from District Judges that pleaders and their clerks and even the litigant public are prohibited from paying anything to the bench clerks, etc. Is it not a fact that there is corruption there also? And is it not a fact that even the High Court is aware that corruption is going on there?

Mr. PRESIDENT: You need not labour that point.

Khan Bahadur Maulvi HASHEM ALI KHAN: All right, Sir. You are ignoring facts in this case, but why should the rightful claim of these poorly-paid people be ignored?

Mr. PRESIDENT: I do not know why the question of pay was raised at all. The resolution speaks only of pension.

Mr. NARENDRA KUMAR BASU: Exactly, Sir.

Khan Bahadur Maulvi HASHEM ALI KHAN: It was all due to the irrelevant talk of Rai Bahadur Dr. Haridhan Dutt.

It is a serious problem—this problem of unemployment. Everyone knows that thousands and thousands of educated young men, even graduates, are taking to all sorts of jobs, such as hawking newspapers. If this resolution is accepted, then I make bold to say that the Matriculates, and even the B. As.' will come forward for this service and will

thus help in solving the serious problem of unemployment. And over and above this, if the objectionable menial service that they have sometimes to do is also removed, young men will readily come forward and offer themselves for this service. I understand that the Central Government is moving in the matter but, Sir, we are not concerned with what the Central Government is doing. We find from the papers that Sir James Grigg is taking interest in this matter but, Sir, we can ourselves easily take a hand in it.

Then, Sir, I ask what right our Government have to take away any money from the people for whom it is intended. This fee is paid by the litigant public and either the Government will be bound to reduce the process fee or pay the sums to them for whom it is intended.

Sir, I do not like to take much more time of the House, but would only urge the rightful claims of these poorly-paid people so that they can retire and live in peace hereafter. But Government have no ostensible and reasonable grounds to refuse this reasonable and legitimate claim of these poor people and hold it up for an indefinite time on the ground of financial stringency. I have every hope that one and all of my colleagues will agree to this resolution.

Mr. NARENDRA KUMAR BASU: Sir, I had no intention of speaking on this matter, but I find that the protagonists of this resolution have indulged in so much, if I may be permitted to say so, false logic and so much false economics that the cobwebs ought to be brushed aside. The protagonists of the resolution began by saying that Government get so much money for process-serving from the litigant public, but they spend only a fraction of that on the pay of the process-servers. Therefore, they ought to pay them more—or at least pay them in the shape of enhanced pension; because, as has been rightly pointed out by you—if I may say so without disrespect—this resolution has nothing to do with the pay of the process-servers. Well, Sir, a similar logic would say that if there is any surplus in the Excise Department that money ought to be distributed among the excise vendors. I submit, Sir, that if any money of the Government were to be earmarked for expenditure on each particular department like that Government would come to a standstill to-morrow. I submit, therefore, that there is absolutely no logic in the argument advanced by the protagonists of the resolution.

The other argument that I have heard advanced is that if you increased the pension of these process-servers you would be able to solve the question of unemployment in Bengal to-morrow. Sir, speaking with full knowledge of what is happening in the country, and with partial knowledge—if I may say so—of the trends and inclinations of our educated young men, I must say that the vista of an increased pension after 30 years' pay of Rs. 20 per mensem, and trudging in mud

and mire and through other difficult places, as some of the previous speakers have pointed out, will not solve the unemployment problem. Objection has been taken to some of the remarks made by my friend Rai Bahadur Dr. Haridhan Dutt about corruption in courts. The last speaker who really ought to have moved this resolution, which stands in his name, admits that there is corruption in the courts; but, Sir, it is a subject which had better not been brought into this question at all. It is a very large question, but so far as improving the prospects of the process-servers is concerned, one cannot forget that these process-servers are—let us say on account of the stupidity of the litigant public—they are paid money which ought not to be paid to them. One does know that if a process-server, who is wanted to serve a process in a village, say, 20 miles away, is offered his legitimate dues, he will certainly not fall in with the views of the party and serve the process in time. He will insist upon a *douceur* being paid. And if he is offered a couple of rupees, he will turn round and say, am I a pleader? You can get pleaders for Rs. 2, but no process-servers. That is the sort of reply we hear in the mufassal, and it is idle to say that these process-servers are poor men, and that they are poorly paid. It is no question of their being poorly paid or not, but it is whether the pension will be 50 per cent. of their present pay. I submit, Sir, that is a question which ought to be considered on its merits and not on the grounds put forward by the previous speakers. Speaking for myself, Sir, I have not yet heard a single argument in support of the motion. Sir I oppose the resolution.

The Hon'ble Sir JOHN WOODHEAD: Sir, the process-servers seem to be an influential body judging by the number of times on which resolutions and questions relating to process-servers have been moved and asked in this House, and by the number of persons who have spoken in support of this resolution to-day. There is one mistake which has been made by certain members and which I should like to correct at the outset. It has been stated that the pension of the process-servers is Rs. 4 a month. That is not so. It was Rs. 4, but it was increased by Rs. 2 when prices rose in 1921-22, and that increase of Rs. 2 has never been removed in spite of extreme financial stringency.

Mr. Narendra Kumar Basu rather took the words out of my mouth as regards some of the arguments which have been used—arguments based upon the proposition that because a certain body of Government servants who are instrumental, directly or indirectly, in bringing a considerable amount of money into the coffers of the Local Government, they should receive an increase in pay or an increase in pension. Any argument of that kind Government, of course, cannot listen to. We would immediately be in deep water and, as Mr. Basu has said, Government would come to a standstill in no time. Such an argument could be used with equal force to support the payment to an Excise peon of a

salary of, say, one hundred times his present salary. The Excise Department produces a large revenue, and if an increase in pay, or an increase in pension or an increase in any of the other allowances of Government servants is to be justified on the ground that their particular activities produce revenue, then I am afraid that, applying the argument in its converse form, Khan Bahadur Maulvi Hashem Ali Khan and Maulvi Abdul Hakim would find that their emoluments in the form of halting allowances in connection with the meetings of the Council would be brought under reduction and that I would find myself in the unfortunate position of having my salary reduced. In the case of Maulvi Abdul Hakim it would probably mean that he would receive nothing and that in my own case my salary would be very considerably reduced.

Sir, as I said in 1933, the question of increased pensions to process-servers cannot be considered by itself. Process-servers are inferior servants, and we have many other inferior servants besides process-servers. All these inferior servants get the same pension, which subject to one or two exceptions is Rs. 6 a month. The question we have to consider, therefore, is not an increase in the pensions payable to process-servers, but an increase in the pensions payable to all inferior servants of Government. In 1929 revised rules, provisional in character, governing the pensionary rights of inferior servants were drawn up. Those rules, as the House is well aware, were not introduced, because the expenditure involved was considerable and funds were not available. It was not possible to calculate what the additional expenditure would amount to, but it certainly would be considerable. (A VOICE: How much?) I cannot say, I have already said it was not possible to make a calculation. As I have said the revised pension rules were not introduced because of financial stringency. That financial stringency has continued and still persists, and the position to-day is, in this respect, very similar to what it was in 1929. Last September, however, the Hon'ble the Finance Member to the Government of India announced, I believe in reply to a question in the Assembly, that the Government of India were engaged in formulating a scheme for improving the pensions of inferior servants, and he indicated that he hoped that final orders might be passed during the present financial year. Orders have not, however, been passed, and the Government of India have not as yet, I believe, come to a final conclusion. But when they have reached a decision as regards their own servants, and if they decide upon an increase in pension, then we shall have to examine the matter again in regard to our own servants and decide whether we shall be justified in falling into line with the scheme introduced by the Government of India.

Sir, in view of the undertaking that we will re-examine the question when we know what the Government of India scheme is and when that

scheme has been promulgated, I suggest that the mover should withdraw his resolution. If he cannot agree to do so, I must oppose it.

Maulvi ABDUL HAMID SHAH: In view of the statement made by the Hon'ble the Finance Member, I beg leave to withdraw the resolution.

The resolution was, by leave of the Council, withdrawn.

Mr. NARENDRA KUMAR BASU: As Mr. Ray Chowdhury is absent, with your permission, Sir, I should like to move the resolution which stands in his name.

Dr. AMULYA RATAN GHOSE: On a point of order, Sir, the resolution stands in the name of Mr. K. C. Ray Chowdhury. Will it, therefore, be in order for another member to move it?

Mr. PRESIDENT: As the member against whose name the resolution stands is not present, I permit Mr. Basu to move it in his absence.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that this Council recommends to the Government that no professional license for driving motor cars in Bengal be granted to anyone who is not a Bengali.

Sir, I know that this resolution has attracted a great deal of attention outside the House and also inside it, as was just apparent from the point of order raised by my friend, Dr. Ghose. He was not present here when you gave your permission to the movers of the previous resolutions when no point of order was raised nor could one be raised.

Sir, this resolution, as I have said, has attracted a great deal of attention outside the Council and many hard things have been said about the proposers of this resolution. I shall try and meet those arguments as well as I am able to, but before I do so, I must say why in my opinion and in the opinion of a dozen other members of this Council, such a resolution is necessary at the present time for Bengal. Sir, it is known to everybody in this House and outside that the problem of unemployment amongst educated young men is a very acute problem in this province. It may be said that it is an acute problem all over India, but, as I have said, time and again, I do not possess much knowledge or information about conditions outside my own province, but I do know that in this province the problem of unemployment amongst our young men is very, very acute and that the Government themselves have been alive to this question for some time now. I am sure that members of this House will remember that three or four years ago, the Hon'ble Minister in charge of Agriculture and Industries called a conference of members of this House in order to try and

suggest means for combating this question of unemployment. Amongst the members of the Council who attended and who made certain proposals was Mr. Thompson, the leader of the European group, and his suggestion was that in these days when motor and motor-driving have come to stay, motor-driving would form a very good avenue for employment and that Government should take in hand the training of the unemployed young men in motor-driving. At that time, however, Government did not accept the suggestion, but I am repeating it now for the purpose of showing that motor-driving can form a good avenue of employment for our young men. Sir, the number of motor cars, motor buses, taxis and lorries in the province is very very large. Sir, the motor car has now penetrated into the innermost parts of the province. As a matter of fact, from a symposium of opinion of the taxi-drivers that the *Statesman* was good enough to publish on the 11th of this month, I find that the latest available figure for taxis, buses and lorries in the province are 3,699, 3,271 and 2,785 respectively. That, Sir, will show how many occupations there are in the province as taxi-drivers, bus-drivers and lorry-drivers. And as for private motor cars not owner-driven, their number is quite large. Sir, I do not know whether the House would be interested to hear that no less than 22,551 professional driving licenses have been issued in Calcutta alone. If a good portion of this could be assured to the sons of Bengal, I am sure it would go a great way, as I have said, towards the solution of the unemployment problem amongst the young men in Bengal. It has been suggested that this resolution will foster race hatred, that was one of the opinions expressed in that symposium. It has further been suggested that if people from other provinces have come to Bengal and captured this profession, Bengalis can do the same; they can go to other provinces and capture some of the professions there. The fallacy underlying this is that these gentlemen seem to think that this resolution has been tabled with the idea of shutting out the aliens. Sir, that is not the idea underlying this resolution, but the idea is to find an avenue of employment for our young men who are now unemployed. It may be said: "Well, give us a fair field and no favour." I know all that. I know what it is on paper to say: "You must not be provincial, you must look at it from the larger nationalistic point of view—India is one nation," and all these things. But I do submit that it is to our self-interest that this avenue should be restricted as much as possible to the people of our own province. Sir, I am not ashamed to say that the basis of this resolution is self-interest. As was said by the late Lord Birkenhead in his famous Glasgow speech: "Politically and philosophically the motive of self-interest not only was, but must and ought to be the mainspring of human conduct." If I may say so, I entirely agree with it. I do say that self-interest is a thing which transcends nationalistic sentiments. Bengalis, both

Hindus and Muhammadans, have been the slaves of phrases for a long time and other provinces have come and exploited them. Why? Are not Bengalis fit? Are they not naturally adaptable to the work even of contractors in this province? It will be news to many non-official members of the Council that even the Eastern Bengal Railway, which runs entirely through Bengal and only a few miles through Bihar, and which is managed by the Government, pays to non-Bengali and non-Behari contractors, or at least it paid to these contractors Rs. 31 lakhs last year: not to Bengalis, not to Beharis, not to Europeans but to nationals of the other provinces it paid Rs. 31 lakhs. I have got the figures here name by name. What is this due to? It is due to a long succession of Punjabi officers in the Eastern Bengal Railway. Therefore, I say they have been actuated by their self-interest, and should we Bengalis, Hindus and Muhammadans be obsessed by the nationalistic idea and give away our food to the people who are not Bengalis? One of these gentlemen who wrote in the newspapers the other day against this resolution said: "Well, Mr. Basu is not a Bengali; he came along with the five Brahmins from Kanauj." Apart from the fact that it is historically wrong. I say I know that the cry has been that whenever Bengal is to be exploited it is always বঙ্গুদের কুটুম্বকং But we Bengalis have been treated in other provinces as the বড় কুটুম্ব We have been absolutely caught by the neck and said: "Get you out." We have got to look to our own people and we ought to see that our young men have got enough to live upon. Unless they live, where will your what you call new anatomy or provincial automony be? If you turn them dead, where will your political liberties or things of that sort go? I submit, as I started by saying, that this is a matter in which the self-interest of Bengal is concerned. It is no use saying that we must have these big ideas——

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Mr. NARENDRA KUMAR BASU: Sir, I have almost finished. I do not know what other objections can be raised in a House consisting of members from Bengal to a resolution of this description. I might deal with one or two things that I have heard said or whispered within as well as outside this Council. It has been suggested by some people that the Bengali is not as hardy a driver as up-country men. That may be so; but what I am asking the House to consider is whether it is not necessary in the interests of our young men and in the interests of our country, our province, to see that a group of young men may be trained to this profession and thereby prove themselves to be as hardy and as efficient as the nationals of any other province. I have also heard it said. Sir. that such a resolution if it were sought to be

translated into a legislative enactment or rule, would go against the spirit of the new Government of India Act, and that it is not to be found in the legislative rules of any other province. Again, Sir, the question of bowing to every idealistic principle comes in. Other provinces have got a similar provision. I do not say that they have got it in their legislative or printed or published rules; but it is a matter of practice. I know personally that a first class driver from Northern India was not allowed to have a license in one of the Southern Presidencies, and no reason was assigned. If you have in your legislative enactment or rule that you must confine your license to Bengalis, it may be said that it would be going against the spirit of the Government of India Act. But this resolution does not want a legislative enactment or a legislative rule of that kind. It wants a rule of practice that the Government of Bengal should be alive to the wants of the Bengalis, and if there is any "surplus" to be divided, let it go to the non-Bengalis. We have had for a long series of years this experience that, not by legislative enactment, not by rules formulated in writing, the Bengalis have always been—and are being—driven out from all other provinces in India. We Bengalis have always opened our arms wide to the nationals of every other province; in fact, we have given, probably, more preference to non-Bengalis than to Bengalis. That has been the bane of Bengalis—both Hindus and Muhammadans—and today we find that the economic life of this province is in the grip of people from other provinces and Bengalis have no look-in.

Sir, I want by this resolution to recommend to the Government of Bengal that this state of things should be remedied. The Government ought to look to the interests of the people of Bengal and to see that a decent and honourable avenue of employment may be opened to the unemployed young men of Bengal—educated or uneducated. I, therefore, commend my resolution to the acceptance of the House.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to support this resolution. We Bengalis have never been parochial or provincial in our outlook: that was not the school of politics in which we were brought up. Our outlook has always been national and we were always rational. But we find, Sir, that the times have changed, and changed against all our anticipations and expectations. We were, Sir, imbued with the ideals of free trade in commerce and nationalist sentiments in politics. One united India—that was the goal which we were striving for, that was the lesson which we learnt in the school of politics of Sir Surendra Nath; that, Sir, was our outlook always from the time of Rammohan down to the present time—that Bengalis always wanted to present a platform for all to stand together and to work for the good of the country as a whole. But we find at present that we were really standing on shifting sands, and it is not possible for us to

keep our footing in these changing times, and so in the present state of our politics and economics one cannot but support a resolution like this though not very enthusiastically. It may be said that there is no necessity for a resolution like this to be brought forward before this Council, but we find from one end of India to the other—from the Punjab to Assam—that the cry has been raised—"of each province for its own provincials." Sir, what do we find in Assam? In Assam there is a considerable section of population there which is non-Assamese, and yet they cannot have a grant from Government to run their own educational institutions; that is what has taken place in Assam which was so long an open field to all persons from all the provinces. That is a reality which it is impossible to shut one's eyes to. Survival of the fittest being always the law, we cannot ignore reality, and we must face it as it is, in spite of our enthusiasm for unity, in spite of our enthusiasm for working for the common good of the whole country. We find this, also, that each and every Government are anxious to protect the residents of their respective provinces and that is the reason why the Government of Bengal should not be afraid of taking action, when ignoring them would send things drifting about with the result that Bengal will suffer in every field of activity.

Sir, I do not think that this resolution has been brought in in a spirit of retaliation. I think it is based on past experience. If we were to go into past statistics, we would find here particularly in Calcutta Bengalis very much outnumbered non-Bengalis as conductors and drivers of buses and motor-cars a few years back. We find that there are at present about 800 registered buses of which about 700 are in a running condition. Of these 700 as many as 500 are being run by the Punjabis, 100 by non-Bengalis, and the other 100 by Bengalis only. We also find that the Transport Department of the Walford Company whose funds were largely met out of Bengal has now been made over to a Punjabi gentleman, and since he came to have control over the Transport Department we find that Bengali drivers and conductors have been swept away almost entirely, although, previously, it was the Bengali drivers and conductors who were mostly running the buses of this company. That is a fact, Sir, which we cannot ignore, and of which we cannot but take note. If this state of things goes on, then we can very well apprehend that within five years or more this additional avenue of employment of young Bengalis will be entirely closed to them. If the argument is used that "if you cannot stand in competition with other people, you cannot make a grievance of it, then I submit, Sir, that that is not the spirit in which the world is governed to-day. We have come to that stage of affairs where free trade in commerce does not find favour, and every State is now inclined to protect its nationals even by raising artificial barriers. That has come to be the state of things at the present time. Therefore, we should be only

courting disaster by standing on our old policy and old principle. If the resolution is given effect to, the result will be that for a time only we may not have as hardy drivers and conductors as the Punjabis; we may not have such painstaking drivers and conductors like the Punjabis or men hailing from other provinces. But soon a large number of the young men of Bengal will find that, as a matter of fact, this particular profession is paying and it is a means for them to keep their blood and flesh together. And the result will be that a large number of young people will find employment in this particular profession, as has been pointed out by Mr. N. K. Basu. It is not in a spirit of retaliation—I again repeat it—that we are going in for it, but simply with a spirit of protection, when we find, as a matter of fact, that the whole field here is swamped by outsiders. It is not a question of one or two dozen outsiders with whom a healthy competition might spring up, but we find that the whole field is swamped and that Bengal can no longer even have a foothold in this business as conductors and drivers against the onrush of outsiders from the other provinces. It is, therefore, in the fitness of things that we should now think of how to give them employment and protection in the trade which the Bengalis first so enthusiastically adopted in the beginning, but from which they are now being gradually driven out. I submit, Sir, that the Government of Bengal need not be at all ashamed if, in order to protect the interests of Bengalis, they have got to formulate rules prohibiting people from other provinces to come and engage in this profession.

Then, Sir, there is another ground—another reason—for which I would support this resolution. It has come to my ears from various sources that the conduct of non-Bengali drivers and conductors leaves much room for improvement. It is a fact that their behaviour towards the passengers is not all that can be desired. It is a well-known fact that these bus-owners and drivers very readily welcome passengers to their cars and buses, but when it comes to a question of alighting, they will not stop their buses and cars at the proper time and place, sometimes the result is that the passengers in their effort to get down sustain injuries in their limbs, and some of these people would rather glory at the sight of the wreck which they have been instrumental in bringing about. We also hear of a standing grievance on the part of the monthly ticket-holders that the buses do not stop for taking them in or allow them to get down at short disances from the bus stop, because they care more for ready cash than for cash which has already come into their pockets. This, also, I believe, is due to the fact that these men feel that they are the monarchs of all they survey.

Then their unruly conduct and their use of filthy language—particularly when they see ladies in the buses—is not uncommon. Complaints have repeatedly been made to the Bus Syndicate, and if the

complaints register book is gone through and examined, it would be seen that a lot of complaints have been made to the syndicate. These complaints have been put down in black and white, but no attention has been paid to them. The grievances of the passengers have not been attended to, and no wonder; because the Bus Syndicate is composed of 80 per cent. non-Bengalis and 20 per cent. Bengalis; the passengers are 99¾ per cent. Bengalis, so that 99¾ per cent. of the passengers are sufferers. This is a state of things which ought to be put an end to. It is also, probably, not unknown to the House that oftentimes taxis driven by non-Bengalis are responsible for some of the worst crimes which are on the increase in the City of Calcutta; but I will not go into that, that is a matter for the Police Department to look into. But I think that every citizen of Calcutta should be wakeful of his own rights and privileges. He has the right to demand that nobody can run a bus or a car in the streets of Calcutta who does not have the virtue of politeness and courtesy to realise that the passengers are their paymasters. We do feel here, Sir, in the City of Calcutta that we have our rulers who do not belong to one race and nationality only, but to many races and nationalities. Our weaknesses are being brought home to us almost every day, and with the advent of a new order of things, I submit, we have a right to demand that our just rights and grievanges must be upheld and redressed. If people coming from other provinces and receiving their wages and salaries from us are not courteous and polite, if they do not know how to behave properly with ladies and gentlemen, I say, Sir, they have no right whatsoever to be here, and the Government of Bengal will be well within their rights, to see that such people are turned out of Bengal, no matter at what cost, and what amount of displeasure we may incur from the people of other provinces. We have been taking things lying down for long, and the more and more we had been doing so, the more and more we were getting weaker day by day. I think that by accepting this resolution we will be able to do good to a large section of our young men, and that, therefore, nobody ought to have any grievance against it. I would ask them to go to other fields and other pastures, and not to make Bengal their own dumping ground and their field for exploitation. With these words, Sir, I lend my support to this resolution.

Mr. CHARLES CRIFFITHS: Mr. President, Sir, I would like to speak with regard to the resolution now before us. In the interest of the Anglo-Indian community, I would like to know how it would affect us, before I support or oppose the motion, and, therefore, it would be best for us all to have a clear definition as to who is a Bengali. I may mention that not many years ago, as recently as 1920, when the Montagu-Chelmsford Reforms began to operate, although we

were declared to be statutory natives of India, we were ousted from the various services such as the Railways, Telegraphs and Customs, to make room for other Indian communities, not because they had any special qualification or aptitude for these appointments, but because they were merely numerically stronger than us. We who were pioneers, and had established ourselves by hard work and industry had to go—the slogan India for the Indians made short work of us, and to-day in consequence there is a great deal of poverty and misery amongst our people brought about by certain avenues being partly closed to us. Now as we come nearer home, and each province is thinking of providing for its own inhabitants, and the cry to-day in Bengal is, "Bengal for the Bengalis," which in itself is perfectly correct and justifiable, for after all charity begins at home, our main point is who is a Bengali? What about those who have their domicile in Bengal? We, Anglo-Indians as Indians, automatically take the nationality of the province we belong to, but we must see that there is no hitch or hidden obstacle to obstruct us, from sharing in the benefits allotted to us here or elsewhere in India. One cannot help thinking of the invitation given to the stork to dine, and how she was served her soup in a shallow plate. If we were to be debarred from any further appointments, it will affect our community a great deal, and add to our troubles. It must be remembered that we have a claim to employment in this country, province or town, as strong and as honourable as that of the Hindu or Moslem, for after all, we are also the children of ancestors, who came here to stay, and it is, gentlemen, your duty to provide work for us, as you are doing for yourselves. There are, according to the *Statesman*, about 10,000 professional motor drivers in Bengal and there are just a few Anglo-Indian drivers. Some of them have army certificates, like my driver, who was in the Royal Tank Corps, an armoured car driver, and it would be a shame to deprive these men of an honest living.

Mr. C. C. MILLER: I rise, Sir, with some diffidence to oppose on behalf of this group a resolution which apparently finds so much influential backing in this House. But we cannot believe that the mover and the supporters of this resolution have carefully studied its implications if the measure were ever to become law. In our view, legislation which excluded from the field of motor transport in Calcutta all persons and all citizens in this country who are not Bengalis, would be impracticable from the point of view of procedure and usage, completely unjustifiable from the point of view of ethics and dangerous in the extreme from the point of view of policy. Let me deal first with procedure. Presumably, the idea is that at a given signal so many licensed alien drivers would have to return to their own provinces and that an equal number of licensed Bengali drivers would step forward to take their places. Sir, this of course is a dream. The actual

procedure would be that as the license of an alien driver expired it would not be renewed if there was a Bengali who could take his place. This, of course, will have the effect of placing the alien drivers under a sort of deferred death sentence. Many of them anticipating this might prefer to leave the province at once, thereby causing immense dislocation to the enormous volume of motor transport in Calcutta and in Bengal. Thirdly, when you have reached the point where the qualification for a driver is not efficiency in driving but merely a birth certificate, who is to determine whether the birth certificate is genuine or not? Turning from that point, Sir, I should like to deal with the ethical side of the case. No one I think will deny that the man who seeks his living in his own province and in his own town has a considerable initial advantage over a man who has to find his livelihood in a foreign land. That advantage unquestionably rested with the Bengalis in the first place, but for reasons into which one need not enter the Bengalis have failed to maintain their position in this trade. Are we then to say to those who have captured that trade by their courage, perseverence and intelligence that we intend by legislation to drive them out of the position which they have attained? Is that to be the equity of Bengal? Lastly, Sir, comes the question of policy. No one will deny that by passing a measure of discrimination of this nature, we are bound to provoke retaliation. Once the flame of retaliation is started, no man can say when it is going to end. Heaven forbid that the dawn of Indian nationalism should break on a country torn by petty provincial and parochial squibbles and retaliations. On these grounds, Sir, we feel that we must oppose this resolution.

Rai Bahadur RAM DEV CHOKHANY: Mr. President, it is a matter of great surprise to me to find that a resolution like this has been seriously brought forward before this House, and I regret that even a layman like myself has to stand up to speak on it. If this resolution is persisted in, I may say, at the very outset, that it would serve only the purpose of exciting hatred and contempt between the different provinces, but it will not serve its purpose. Again, it is against the spirit and letter of the new Government of India Act which is our guide in such matters now. Section 298 of the Act runs as follows:—

"298. (*1*) No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India."

It is quite clear, therefore, that no law can be passed which deprives a subject of His Majesty from carrying on any trade, business

or profession in British India. This is a resolution which, even if carried, cannot, therefore, be enforced. Apart from its legal aspect I wish to draw the attention of the House to the serious nature of a resolution like this. It means an end of all nationalism of which Bengal could be proud. It means in effect that the position of an Indian of one province is not safe in the hands of his brethren of other provinces. We were crying hoarse when safeguards were asked for by the Britishers in order to protect their interests. Do we not by our action give support to such agitation when we are proceeding to discriminate even against an Indian of another province? It is also against the conception of the Nehru report and our avowed fundamental rights. The idea seems to have originated from a speech at the British Indian Association delivered by Raja Profullya Kumar Tagore when he stated that in Bombay motor-driving licenses were not granted to non-Bombay men, but the other day Mr. S. K. Bannerjee, President of the Taxi Workers' Association, in the meeting at the Town Hall stated that he could not find any such restrictions in motor license rules of the Bombay Presidency nor could he find any such rules in the Madras Presidency. Even, if there be any such provision anywhere, attempt should be made for its removal there and not that we should follow the same here. Sir, there is enough of dissension in this unhappy land, and we should not be parties to more such. Communalism has been the bane of our life. Let us not give further support to it by introducing provincialism where it is not wanted and which, in the words of Sir Mirza Ismail, if carried to its extreme, will spell disaster to the country at large. So far we had heard of preference being given in Government services to the people of the province and to persons domiciled therein. I am not aware of any province in British India which prevents any Indian from carrying on any business, trade or occupation there.

I quite appreciate the feelings of my friend which have their origin in the unemployment among our young men. I do feel that the situation is serious, but at the same time I do commend to the serious consideration of this House as to whether the remedy suggested is the real remedy for relieving the situation. Sir, Bengal has been the father of Indian nationalism and let it hold its banner aloft in that cause wherein lies the salvation of our country. The resolution will affect all non-Bengalis including Hindus, Muhammadans, Sikhs, Punjabis and Christians, a large number of whom are getting their livelihood from this source, and it will be a serious matter for them if they are deprived of the same. I want to emphasize that the keeping of a driver is a personal matter with each individual as the choice of one's clothes, food or furniture. We have been crying for liberty and freedom. Let us consider as to whether by such movements of ours we are contributing to that cause or retarding the progress of the country. I appeal to the House to give its very

serious consideration to a resolution like this, and I hope that the learned mover of the resolution would see fit to withdraw his motion and, in any event, the House will not lend its support to it.

(At this stage, Mr. President vacated the Chair which was occupied by the Deputy President.)

Maulvi ABUL KASEM: Sir, I rise to support the motion of my friend Mr. Narendra Kumar Basu. But I do it not with any enthusiasm at all. Sir, when I received notice of this motion, I sent in myself notice of another motion which was a little more elaborate; but unfortunately as it was not sent within the date fixed by the President, it was not admitted. We have heard speeches in high sounding words about nationalism and national interest. Unfortunately, this simple English word has a different meaning. The meaning is not very clear. Some people have taken it to connote a particular community and some a particular province. But that does not matter at all. What I have to say is this, that the Bengalis as a nation, as a community, as a people, are excluded from every province in India, even from Bihar which was only the other day one of our appendages. We have been referred to a certain section of the Government of India Act which is to come into operation. But I may remind my friend, Rai Bahadur Chokhany, that that section is only a repetition of the proclamation of Her late Majesty the Queen Victoria. We do not mean to say that they would not be eligible, but as Mr. Narendra Kumar Basu has said, it is the question of our living, of our self-interest which prompts us to move this resolution. It is only a recommendation for the consideration of the officials of Government that they should open the door for a living. People may say that Bengalis are not excluded at the present moment from having the privileges of these licenses and they might try their chance and have motor and taxi-drivers' licenses. But there are certain things which are quite correct and desirable in theory, but not so in practice. We know what a strong combination these taxi-drivers have got; what great influence they exercise on the licensing officers. For whatever reasons it may be, they have the choice. Therefore, Mr. Narendra Kumar Basu wants that non-Bengalis should be excluded from this. The notice which I sent to the Secretary extended the operation of the motion a little further. I said that in these days of distress, these hard days of unemployment, we should not allow non-Bengalis not only for taxi-driving but also for other avocations for which our people may be thought fit, so that the question of unemployment at least may to some extent be solved. In this House for some time past I have been asking by either a resolution or a cut motion that Bengalis should not be made to suffer for outside people in the interest of nationalism, but I have not yet succeeded. I do not know what will be the fate of my friend's motion. I have

been told by some of my non-official colleagues that we should not in these days of advancement go against nationalism, but in spite of that I should still like to pursue the point. In Bengal we have to make room for all people. It is very fine to say that the Peshwaris or the Madrasis are as good as the Bengalis and that they should be given a fair opportunity, but I find that although the rest of India is closed to Bengal, Bengal is the hunting ground of all nationalities from the rest of India. We have to think of this matter in a calm spirit and not allow idealistic ideas to prevail upon us. It is all very well to say that we cannot refuse licenses with any decency to a non-Bengali. I might say that in this province itself many things have been denied to the people of the province simply because it serves the interest of a particular community. Up till now I have heard only two speeches against the motion, one from Mr. Miller and the other from Rai Bahadur Ram Dev Chokhany. Unfortunately, both of them are non-Bengalis. I think that some years back when the Government decided by a resolution to procure a field of employment for Bengalis by changing their policy with regard to the textile industry, it was said that the Government policy and the system then introduced would provide educated Bengalis with a source of employment and a source of profit; that was the spirit, that was the avowed policy of the Government in the resolution, but in practice people from Bihar and Madras have made money out of it. But that is a different matter. Therefore, I wanted that Mr. Narendra Kumar Basu's resolution should be more expansive and it should not have selected and made the point of attack confined to the taxi-drivers of Calcutta and driving licenses. But half a loaf is better than none. I support, therefore, the resolution not in the spirit of antagonism to non-Bengalis but for self-preservation. If you go into the question of nationalism, I think many people will seriously object to it. I am quite prepared to take my stand and help any other Indian or any person of Indian origin, if not of Indian domicile, but the question is that other provinces should also come forward. I was told by Mr. Miller that if we did this, we would rouse other people also to retaliation. I say, on the other hand, we are doing it as a matter of retaliation ourselves; and what is more, other provinces have done everything possible that is worst to us. I submit that at any rate this Council should pass this resolution. I have been told that at this fag-end of the present Government and at the fag-end of the present Council, it is idle to suggest that any change of policy or practice should be adopted. But, Sir, if no change can be adopted, my advice to the Government is to get the Budget passed as it is and dissolve the Council immediately.

Mr. S. M. BOSE: Sir, one cannot but have considerable sympathy with the principle underlying Mr. Narendra Kumar Basu's resolution.

Why do we advocate the principle of "Buy Indian?" It is not hatred of the foreigner but love of the country, love of the people who live there. Similarly, here, why do many people support this resolution? Because they want to support their own people first; not because they hate others from other provinces, but because they want that the people of Bengal should have a decent living. They support the principle underlying the resolution not because they love the Punjab or Madras the less, but Bengal more. As has been pointed out by Mr. Narendra Kumar Basu, there has been a great deal of unemployment in Bengal and the idea is that by this means some amount of employment may be afforded to our young men. We are all aware of the danger to peace and tranquillity of Bengal which may arise from a large number of people being without any employment. We would naturally like to see that the people of Bengal are maintained by the money that is spent in Bengal. There is another ground. How is the Bengali treated elsewhere? We must have reciprocity. If we find in Bihar that Bengalis who have domiciled there for many years are not allowed the ordinary rights that are open to others of that province, can we say that Biharis in Bengal should enjoy protection and advantage in Bengal? There must be a policy of preference for Bengalis, and that policy has been long advocated. It may not be easy to adopt a policy of total exclusion, but it will be enough if the policy of giving preference to Bengalis is advocated by Government. Now what do we find? We find that Bengal is for the non-Bengalis. The mover of the resolution wants that preference should be given to Bengalis. Sir, I am well aware of the point raised by Rai Bahadur Ram Dev Chokhany, that section 298 of the Government of India Act prohibits legislation excluding a British Indian subject from following his occupation in Bengal. But the mistake that he made was that the mover did not ask for any legislation. His resolution means that Government should give preference in the grant of professional license for driving motor cars in Bengal. No question of a law has been raised. So, section 298 of the Government of India Act is not at all in point here. Then, Sir, coming to the Government of India Act, no doubt one of the great wrongs done by this Act has been the prevention of the growth of nationhood in India. The movement that Sir Surendranath Bannerji and others initiated in the early eighties in trying to weld together all the peoples of India into one nation, that movement has been set back—has been given the go-bye to—by the Government of India Act, which has divided India into a congeries of peoples divided into provincial compartments, who are always ready to fight each other and to rush at each other's throat—fighting for money and power among themselves; but that is only by the way. No doubt, there is some danger in the course advocated, but, Sir, that is inevitable. It has been said by Mr. Miller that it might provoke retaliation, but as I have said the reason why

this policy we want is not out of hatred of the peoples of other provinces, but out of love for our own people of Bengal.

The question, it must be admitted, is not free from difficulty. Though we quite approve of the principle, yet as regards the practical working out of it, the question of how far it can be carried out at once or whether it is necessary to proceed by stages, is one which cannot be hastily decided; and the Government might, if it thinks fit, appoint a committee to enquire as to how this principle is to be carried out. I would suggest that they should adopt the principle, not of total exclusion, but of preference to Bengalis, other things being the same.

Then, Sir, Mr. Griffiths has asked: "Who is a Bengali?" I say a Bengali is one who is either a native of, or domiciled in, Bengal. The unfortunate part of it, however, is that the Domiciled Community think themselves apart from the natives of this province. Now, at long last the difficulty of their position has been realised and the members of the Domiciled Community are adapting themselves to the changing conditions: we gladly welcome them as children of the soil.

Sir, Mr. Miller has questioned the policy of preference. Mr. Miller must, no doubt, be aware that even in England, enlightened as it is, imbued as it is with the ideals of free trade—even in England—the policy of preference has been very largely adopted in the sphere of trade and commerce, as also in various other aspects of economic life, so that in asking for preference for our own men, we are doing nothing unusual.

Therefore, I think Government should accept the principle underlying the resolution—the principle of preference for the Bengalis.

Mr. P. BANERJI: Sir, the idea behind the resolution moved by our leader Mr. Narendra Kumar Basu is, no doubt, laudable, but, Sir in a minute I will adduce to you some arguments after hearing which he may perhaps be tempted to withdraw his resolution. Sir, the main object of the mover of this resolution is to find employment, at least for some young men of this province, and for such an object he has great sympathy. I do not deny that this question of unemployment of the educated youths of Bengal, irrespective of caste or creed, has the sympathy of everybody, whether in this Council or outside. In this connection I would not raise the question of nationalism, anti-nationalism, or provincialism, for I know that it will not find favour in this House, constituted as it is to-day; but I will refer only to the practical side of things. The idea is that by restricting the licenses to Bengalis it may be possible to solve the unemployment problem, but, Sir, what percentage of unemployment can be solved by this means?

As you know, Sir, there is no ban on Bengalis taking out licences, and, as a matter of fact, when in 1908 the first taxis were started, they were started with Bengali drivers, and their number was the largest up to the year 1920; but from 1920 up to 1924 other people came in. From 1925 the Bus Service was started, and I was the Bengali that was the pioneer in starting the Bus Service and the first bus was started by me. From the inner working of this business I know how the Bengalis went out of this business from the very beginning. At one time, Sir, I owned 150 taxis and half-a-dozen buses. Now, Sir, the question which is uppermost in the minds of everybody is how, in spite of the fact that there is no ban on Bengali's taking out licences, in spite of the fact that there was 99 per cent. or even cent. per cent. Bengalis as bus drivers, how the number of Bengali drivers has fallen off to-day. I can tell you this, Sir, from my experience, and the reason is not far to seek. As Mr. N. K. Basu has pointed out, the Bengalis are physically unfit for this strenuous and hard work and non-Bengalis have more aptitude; and by reason of their lack of physical fitness and ability for hard work the Bengalis are slowly and slowly going out of this business and these outsiders are taking their place. Fgures have been quoted, but I say, Sir, that they are mostly wrong figures. The figures that have been given both of the drivers and the vehicles are wrong, inasmuch as they give the total registration figures of taxis and buses from 1925. The real thing to see is how many taxis from 1908, are on the roads of Calcutta to-day and are actually plying. I can say, Sir, that although there are more than 2,000 taxis on the register, the figure to-day is 900 taxis and 800 buses actually running. It has been said by Mr. Ray Chowdhury that there are 800 buses that were registered both for Calcutta and the suburbs only 450 buses are running. I can tell him, Sir, that about 600 buses are actually running in Calcutta and its suburbs. The total income from these buses is Rs. 50 lakhs a year, and the total income of the Tramways Company is Rs. 80 lakhs a year to-day. Thus, you will find that the total income from these two traffic service is Rs. 1,30,00,000, and this by reason of the rates, having been reduced. Sir, at one time, you know that the Tramways Company's fare from Kalighat to Dalhousie Square was two annas, but now it is five pice, with a midday fare of three pice between the hours of 11 a.m. and 3 p.m. Thus, if it is calculated, it will be found that the fares have been reduced by 50 per cent. And if to-day by a 50 per cent. reduction in fare the income of the buses and the Tramways Company is Rs. 1,30,00,000 this shows that another Rs. 1,30,00,000 has automatically gone to the pockets of the middle-class travelling public. Sir, I was just going to put before you what good the bus has done. It has broken the monopoly of a monopolistic company—I mean the Tramways Company; it has rationalized the service; it has decreased the fares; it has brought many comforts to the people in general. And

I can say from past experience that the exclusion of non-Bengali drivers would mean a partial collapse of the whole business. I will just point out——

Rai Bahadur SATYA KINKAR SAHANA: On a point of order, Sir. Is the member in order?

Mr. DEPUTY PRESIDENT: Well, that is my lookout.

Mr. P. BANERJI: I fail to understand why Rai Bahadur Satya Kinkar Sahana should be so much impatient over a matter like this. I consider that he should hear what I have got to say, because it will be news to him to learn what I can tell him, for neither the Government nor anybody outside the Government will ever be able to give this information. From these facts I can tell him how the general public have been benefited by the existence of the bus. Now, Sir, if these drivers were to go to-day, the whole system will automatically collapse, as I can say from past experience. And if the whole system collapses, what will be the result? The result will be that the general public here will lose a sum of Rs. 1,30,00,000, because we know that in spite of protests from the general public the monopolist company raised their fares stages by stage. With the introduction of the bus, this company has been compelled to reduce its fares all round; for example, the fare from Tollygunge to High Court which was four annas has now been reduced to nine pice during midday. And, Sir, it is the bus that has brought about all this reduction.

Lastly, Sir, I must say that the lawyers in our country do not see beyond their nose. (Laughter.) I say this advisedly, for if they devoted themselves to industry, trade and commerce, the position of Bengal would have been different to-day. What I want to point out is what will be the net result of this exclusion of non-Bengalis? The net result, as I have pointed out, will be, and as Mr. Miller has also pointed out, will be, that if the non-Bengalis are ousted from this business, our income will greatly suffer. The income, from this business of the 2,000 drivers usually employed as I have calculated it, will be at, on an average Rs. 50 per month, and will amount to Rs. 12 lakhs. Out of these Rs. 12 lakhs these non-Bengali drivers will take away Rs. 9 lakhs, as the Bengalis form 25 per cent. of the drivers and non-Bengalis 75 per cent., of whom again 45 per cent., are Sikhs and 30 per cent. Muhammadans and up-country Hindus. That being the position, Sir, I say that if this resolution takes effect, the result will be that we will earn nine lakhs of rupees while the public of Bengal will lose Rs. 1,30 lakhs. As we all know, Sir, the lawyers are always apt to take a superficial view of things but would never penetrate deep into them. But I have placed before you the actual state of affairs in the country, and have shown that by accepting this resolution we

do not gain anything at all. It has been said that there are good Bengali drivers, and that they will be available in any number. My answer to that is—Why then have these men left the profession? Some of my Muhammadan friends have just told me that if Hindus are not available, Muhammadans will come forward. My answer to that is that the Muhammadans have been receiving all kinds of patronage from Government for some time past. When a particular community finds that their men have been getting all favours from Government so much so that even without any qualifications and without any education, they are becoming Nawab Bahadurs and Ministers of Government, I doubt very much, Sir, that their men will ever come forward for petty jobs like that of motor drivers. That being the case, Sir, there arises the practical difficulty of finding substitutes if the present alien drivers are to be turned out.

Sir, we have every sympathy for our unemployed young men, but that is not the point at issue here. To solve the problem of unemployment of the middle class educated young men, we have got to compel the Government to prepare and launch out comprehensive schemes, but instead of doing that, what have the Government been doing so long? They have always been dividing into different groups the people of this country and sometimes they have been favouring the Hindus with all patronage and sometimes the Muhammadans. In this way, the third party has been ruling over us by playing their game well. We all know, Sir, that the Bengalis are by far the most intelligent people, and that it is the Bengali race who has been fighting for the freedom of the country, and that, therefore, it is the policy of the alien Government to cripple us. That is the underlying policy of the present British administration of this country. What we have got to do, therefore, is to force the hands of the present Government to give all their appointments to deserving Bengali candidates, and also to compel them not to give their contracts to anyone save and except a Bengali. This will solve the problem to a certain extent. But no useful purpose will be served simply by carrying this measure, and I have already proved by facts and figures that this will be so.

Mr. H. S. SUHRAWARDY: Sir, speaking as a Bengali and as an Indian, I oppose the motion of Mr. N. K. Basu. I am proud of the culture of the Bengalis, and because I am proud of it, I desire that persons from other parts of India should come into Bengal for the purpose of imbibing some of its culture, of toning down a little of their ruggedness, if possible, and taking back to their homes the outlook on life which the Bengalis possess. I am afraid I do not agree with the arguments of Mr. P. Banerji. Not being very much interested in the Bus Syndicate myself, I have not got that inside information which he possesses, nor do I believe that the public of Calcutta have got back over

a lakh of rupees merely because the buses have had to reduce their fares in competition with the Calcutta Tramways Company. It is not for this reason that I oppose the motion but, simply speaking as an Indian, I think that if we want that there should be a better feeling in India we should oppose this motion *en bloc*. I am against provincialism, sectarianism and separatist tendencies which have kept us apart all these years. Are Bengalis forbidden to ply taxis in the Punjab? Why should you forbid Punjabis from plying taxis in Calcutta? Are the Bengalis forbidden to take service elsewhere in India that you should forbid others to carry on their trade in Calcutta? Do you want to make their position insecure in the land in which they are serving by adopting retaliatory measures against them in Bengal. It is just that policy, Sir, that we ought to condemn. Mr. Bose has spoken of reciprocity. Does he mean reciprocity in good measures or in antagonism? Do the members of the Council know of a place called Tatanagar where there are thousands of Bengalis in service in the Tata Iron and Steel Company? Do you consider that they should get rid of their Bengali servants as a retaliatory measure against any resolution which we may pass here in order to get rid of foreigners? Mr. Basu spoke very quaintly that this is not a legislation, but merely a recommendation to Government. We understand that the Council is serious when it puts forward a recommendation and hopes that if it is passed Government will accept it provided of course it is not not very fatal to Indian nationalism as this resolution is likely to be.

Mr. P. N. GUHA: Mr. President, Sir, my friend Rai Bahadur Ram Deb Chokhany has preached a sermon on nationalism, and we are thankful to him for reminding us once again that we are Indian first and everything else afterwards, but at the same time I cannot allow his further statement to go unchallenged. He has asserted that though the claims of the outsiders were not entertained in connection with the appointments under the Government, yet no ban was placed against anybody's doing any business in a province not his own. The Rai Bahadur may take it from me that his information is not correct and uncontrolled freedom is not allowed to outsiders, in the field of business even, in some provinces. I will give concrete instances to the point.

It was after the earthquake in Bihar that the Government of that province required reliable contractors to do building works. Bengali firms of engineers and contractors went there and lot of work was entrusted to them. The execution of these works were to the entire satisfaction of the Executive Engineers concerned and firms were granted good certificates. This probably roused the patriotic feelings of some of the Bihar nationalists and one of them moved a resolution in the Legislative Council of Bihar and Orissa requesting the Government to entrust the contract for building works only to the Beharis

and Oriyas. So far as I remember, this resolution was withdrawn at the request of the Hon'ble Sir Ganesh Dutt Singh, the Minister, who undertook to see that no further contracts were given to outsiders. Tenders for fresh work were called and those Bengali contractors who did so well submitted their tenders, but each and every one of them received a letter in which a request was made to mention clearly the names of the partners of the firms and mention specifically if there were Beharis and Oriyas in their business. It was further stated that no tender from firms not composed of Beharis and Oriyas would be attended to. The inevitable result was the winding up of the business of these Bengali firms in Behar, and they had to incur heavy losses. This is one instance, and I shall give another for the satisfaction of my friend Rai Bahadur Ram Dev Chokhany.

Only about four or five days ago, an advertisement appeared in the *Statesman* inviting applications for the post of the driver of the motor car of His Excellency, the new Governor of Orissa, and it was distinctly mentioned that applications from non-Oriyas would not be entertained. My friend the Rai Bahadur may take it that the Bengalis are being mercilessly turned out from the neighbouring provinces of Bihar, Orissa and Assam. Sir, unfortunately for myself, I have been compelled for health reasons to adopt Puri in the new province of Orissa as my home for my last days, and I am seeing from day to day what an effort is being made to make our position hot there.

Sir, my friend Mr. Miller considers that it is rather difficult to ascertain who is a foreigner in a province and he is not sure if Bengal will be able to supply sufficient men to drive motor cars, taxis and buses if all the outsiders employed in these directions are turned out at once. As to his first point, I want to tell him that we the children of the soil consider those as foreigners who are birds of passage and come here only to go back in time after earning a lot. For obvious reasons, I need not labour this point further. As to our capability of finding out sufficient men to replace every foreigner, Mr. Miller may take it that we shall not be found wanting. Whatever might have been the case 100 or 150 years ago, to-day we are in a position to manage every branch of our domestic affairs without the help of outsiders. There was a time when it was thought that a Bengali could hardly be found to occupy a high position under the Government, but Mr. Miller, if he looks to the Treasury bench in this House, will find, may be to his astonishment, that out of 7 members of the Government, 5 are Bengalis. So, Sir, any one whom it may concern may take it that we are in a position to replace all outsiders who are engaged in driving motor cars, taxis, and buses.

I now turn to the remarks made by my friend Mr. Griffiths, who represents the Anglo-Indian community in the House. He has

wanted to know what the position of the Anglo-Indians would be in matters like this. The question is indeed an intricate one and one finds it extremely difficult to give a straight answer to this. What seems to me to be a matter of pity in this connection is that the people of the Anglo-Indian community never cared to follow the sound principle which is being advocated by Sir Henry Gidney. The Anglo-Indians are to all intents and purposes Indians, as good Indians as most of us are, but that is a position which was never accepted by the people of Mr. Griffiths' community. They not only thought but gave out, in and out of season, that they were Europeans, and truth compels me to say that the treatment meted out to the children of the soil by them was most objectionable. I fully sympathise with those unfortunate Anglo-Indians who have lost their jobs in the railways and in other avenues under the new orders, but that is the inevitable result of a march without the least thought of the rocks ahead. The position of the Anglo-Indians would not have been so distressing to-day if they had not tried to pose themselves as Europeans which they are not. I really do not know what their position will be in future, but I hope and trust that they will yet have the good sense of adjusting their position with the new order which is so rapidly gaining ground in India.

I would again remind my friend Rai Bahadur Ram Dev Chokhany that we the Bengalis have not, and in fact cannot, forget the cardinal principles of nationalism, but at the same time we are not in a position to overlook the best interests of the Bengali people as a whole. We have got a distinct duty in this direction, and our sense of duty compels us to uphold our own cause. The Rai Bahadur may know that it is this duty which has compelled the bulk of the Bengali Congressmen to differ with the Congressmen of other provinces. Bengal has her own problems which largely differ with the problems of other provinces, and I hold that our first duty should be to try to save ourselves. Charity begins at home, and I am not ashamed to advocate any cause which may serve the best interests of the Bengali people as a whole.

Lastly, Sir, I would beg to the vanishing bureaucracy not to stand in our way in any matter which we think will strengthen the solidarity of the Bengali people. We are Bengalis and Bengal is our home, and we must be given freedom to manage our own affairs as best as we can. Sir, a lot has been said in condemnation of the principle of retaliation. I have no mind either to retaliate or to be vindictive, but I think it will be nothing short of self-destruction to shut our eyes and remain inactive when people all round us are treating us with contempt. We find that we are being gradually ousted from the neighbouring provinces. Bans in various shapes have been placed against the Bengalis in the neighbouring provinces

of Bihar, Orissa and Assam and it is time for us to think of ways and means to save ourselves. I have shown how the Governments of other provinces are turning out the Bengalis and, I think, there is no reason why our Government should adopt a policy of "*Bashudhaiba-Kutumbakam.*" I want our Government to sympathise with us in our difficulties. Sir, I do not consider that this particular resolution has been very happily drafted, and so I cannot support it fully, but I shall be satisfied if Government say that they are in full sympathy with our determination to save ourselves from destruction.

Dr. NARESH CHANDRA SEN GUPTA: Sir, like my friend Mr. Abul Kasem I cannot get up much enthusiasm in support of this resolution for several reasons. In the first place the thing is too trivial. The opening out of a few taxi-driving licenses does not even touch the fringe of the problem before us. In the second place, the wording of the resolution is not very happy. It has already raised apprehensions in the minds of Anglo-Indians whether they come under the description of Bengalis. Besides, I doubt whether the mover of the resolution really intends, as Mr. Miller supposes, this resolution to mean that the holders of the existing licenses should not be entitled to a renewal. I understand the object of the resolution to be to regulate the grant of future licenses. If it is more than that, if it means that all existing licenses will lapse at the end of the year and will not be renewed, I am certainly not in favour of it, but if it is a recommendation that in future without detriment to those who are already earning their living as drivers of motor vehicles in Calcutta and Bengal, the future entrants should be at any rate for years to come, exclusively Bengalis, then I think this is a resolution which immensely deserves support. All those big things and big talks about nationalism being outraged, about the fear of retaliation abroad, and other things which have been trotted out, all those red herrings will disappear, if we take this view of the resolution. It would mean simply that the Government of Bengal will be discharging a primary duty of the Provincial Government, namely, to provide other avenues of employment for its people particularly at a time when the overflow of population from Bengal cannot find employment outside Bengal to the extent of anything like what they used to have in the past. Half a century ago the whole of Northern India was officered principally by Bengalis in all the important posts. Half a century ago the professions all over Upper India were filled by Bengalis. It was in this way that the Bengalis settled all over Northern India and also in parts of Western India and established themselves there in various capacities. Day after day we find that for one reason or another these avenues of expansion are being closed. Can the Government ignore these facts and shut their eyes to their responsibility

of providing avenues to Bengalis within the province as far as possible, who cannot find employment, not even in trade and Commerce, outside Bengal? That is the real thing at which the resolution aims. I would repudiate the suggestion that there is any blot upon the escutcheon of my nationalism. But nationalism does not mean that you must sacrifice your kith and kin for the sake of the people of other provinces. What does Indian nationalism mean? You must remember that the scheme of the Government of India Act is that each province should look after its own affairs when we have provincial autonomy. Bombay will not have any concern with finding out employment for the unemployed Bengali. It will have to find out employment for the unemployed in Bombay.

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Dr. NARESH CHANDRA SEN GUPTA: Sir, as I was saying, the question of nationalism does not enter into this resolution at all, nor does the other question which Rai Bahadur Ram Dev Chokhany raise of racial discrimination. It is not anti-nationalism nor against the spirit and letter of the Government of India Act that is coming into force. As I have said, the scheme of the Government of India Act is that each province is to be responsible for its own domestic affairs, without help or succour from either the Government of India or any other province. All the economic problems of the province are the concern of the provincial Government alone. All political questions are also the concern of the provincial Government. The political economy and economic questions that arise out of unemployment will have to be decided by the Government of the province. Is it for one moment suggested that if in order to remove unemployment or in order to find out ways of work for the people of the province Government have got to start certain works for the people of the province, under the new Government of India Act they cannot do so unless they throw the gates of employment wide open to the people of every part of the world, at any rate of every part of India. Is it suggested, for instance, that when the Government are starting a camp for the Bengali detenus, which is one way of providing employment, that must be thrown open to everybody in every part of India? It is a preposterous proposition. Well, Sir, what does this resolution, as I understand it, seek to do? It seeks, simply, to reserve a certain avenue of employment, which depends upon the grant of a license by Government, to the natives of Bengal or to domiciled

Bengalis. It does not seek to send out anybody from his job. It simply provides that for some time in future years Bengalis should be provided with these licenses exclusively. It has been said that the Bengalis are incompetent—and my friend Mr. P. Banerji waxed eloquent over it—and while he has on the one hand brought in King Charles's head of the crimes of Government in this respect, on the other hand, he has waxed eloquent over the incompetence of Bengali drivers. Sir, he has trotted out his knowledge of this business as an owner of motor buses and taxis. Sir, I do not possess that knowledge. But while I have an instinctive apprehension that his characterisation is not accurate, yet I am prepared to concede everything that he says. I concede that the Bengali is not as competent as the Punjabi, that he has not got the same stamina, and the same aptitude as the Punjabi and that he is deficient in everything. But would that be any reason for the Government of Bengal to hold up its hands and allow the country to be flooded by Punjabis, Madrassis, and people from Bombay and elsewhere—competent and capable men—and allow the Bengali to be uprooted from the soil? That cannot be contended even for a moment. Even if the Bengalis are weak and inefficient, they must have a claim on the attention of Government to provide employment suitable to them, and in order to give them the necessary training and qualifications and practice which would enable them to attain greater efficiency. My friend Mr. P. N. Guha has very aptly pointed out that it was not very long ago that the idea of Bengalis running a Government as heads of the administration would have seemed preposterous. Sir, we lived in days when such a statement could be made. We remember the days of the Public Service Commission of 1882 when high officials gave this opinion unblushingly that Bengalis were not fit even to be Presidency Magistrates or Jailors. We have now, Sir, a Government run by Bengalis, not to speak of Bengalis presiding over the criminal benches here and the Chief Presidency Magistrate, not to speak of Bengalis being Chief Justices and Members of the Executive Council. How has this come about? Give the Bengalis the opportunity and a certain amount of time to make up the leeway, and I am sure they will prove thmselves fit for any "fight." I will assume that for the present the protection sought is artificial, but that is all the more reason why they should have some encouragement and preference and protection against competition from abroad. It is up to the Government to do so, but if the resolution does not mean what I understand it to mean, and if it means that non-Bengali drivers are to be turned out, that is to say, that their licenses shall not be renewed again (MR. NARENDRA KUMAR BASU: No. no. There is no question of renewal.), I should have opposed the resolution. But I am sure that it is nobody's intention that it should be so. If the word Bengali meant what it is understood to mean in common parlance,

and excluded Anglo-Indians, Marwaris, and the Punjabis domiciled in Bengal, I should certainly oppose it. But I do think it is just a very fair and moderate proposal to give Bengalis of less education, but technically competent and efficient Bengalis, a chance to prepare for competition with all the world, and it is up to the Government to lend this help. It is only a sort of nursing of the future generation of Bengali drivers, which is perfectly within the competence of the Government of Bengal and perfectly within its province; and I should say it is one of the primary duties of the Government to do so—far from its being in conflict with any idea of nationalism or with any principle laid down in the Government of India Act. I hope, therefore, that the spirit in this resolution will commend itself to the support of the Government and that they will be able, if not to accept the resolution, yet, at least, to accept the principle of it and to give us some assurance that this principle will be carried into effect. It is possible that Government may not go so far as this resolution wants, but it should, at least, be possible for them to fix a quota for this purpose.

I accordingly support the resolution.

Dr. AMULYA RATAN GHOSE: This resolution has been moved by Mr. Basu for whom I have great respect, and it has also been tabled by many others of my colleagues mainly with the object that it will solve the question of unemployment which looms very large on the face of this country, and it is from that point of view that we shall have to consider the matter, namely, how far this resolution, if given effect to, will be beneficial to the country and particularly to those educated youths for whom this resolution has been primarily thought of. First of all, I do not think that by giving effect to the resolution the question of unemployment can be solved very effectively. On the contrary, I think that instead of doing good to the Bengalis it will do harm to those of us who are living outside this province, and I shall presently explain how it will have that effect. Sir, in spite of the argument that Bengalis are being pooh-poohed from other provinces, it is still a fact, which cannot be denied, that, there is a large percentage of Bengalis who are earning their livelihood in the different districts of Bihar, the United Provinces and the Punjab, and where not, in India. So, however much we may say and however much we may give the assurance that we have no bitterness for outsiders in our minds and that we have no antipathy against the people of other provinces, still it will strike their hearts that what we are going to do by passing the resolution a positive injury to their interests. Sir, if we do not want that the Africans should illtreat the Indians, if we argue that New Zealanders should treat Indians as their citizens, if we argue that people

from India should get equal treatment at the hands of foreign Governments and foreign countries, why should we not show the same spirit towards the people who are coming from other provinces to our province. If we say that we are weak and we are not competent enough to stand competition with stronger people, then what fault is there on the part of the Muhammadans who claim separate electorate and ask for reservation of seats? That is always an argument coming from the Muslims that they are weak, and they cannot stand against the influential and wealthier section of the people, namely, the Hindus. The same argument applies here also. If you say that we should be protected by Government, then let it not be objected to when the Muhammadans ask for separate electorate or reservation of seats on that score. Sir, there must be reason behind everything. I am not talking of nationalism, but I do not find much of reason in the substance of the resolution to support it save and except this, that it may catch the imagination of the unthoughtful youths of this province. If such protection is considered necessary for the Bengalis to-day, then to-morrow will come a demand that such and such a percentage of the licenses should be reserved for Muhammadans and so much for the depressed classes and so much for the other classes of the people, under the same pretext and the same argument. It is a very bad precedent and a dangerous precedent, Sir, to introduce in this country. Sir, in Benares, there is a quarter called Bengalitola, and you will not think that it is a town in the United Provinces. The Bengalis have schools of their own, post-offices of their own and there are Bengali motor drivers and bus drivers there earning their livelihood. If we try to provide some employment here for our Bengali youths by giving them licenses exclusively, then I can say that several times that number will have to be lost to the Bengalis living outside Bengal. So, how will you provide for our Bengali brethren who are earning their livelihood outside Bengal? Is there any answer to this? I think none.

As regards the license, licenses are nothing but what the University grants as a certificate to those candidates who pass out successfully. If a Sikh, or a Marwari, or a person from any other community, qualifies himself in the art or science of driving, I do not see any earthly reason for withholding or refusing a license to him. If a Sikh or a Punjabi or a Behari comes to the Calcutta University to appear at an examination, I do not see any reason to debar him from appearing at it; and this is not done. These people are qualifying themselves and obtaining their degrees from our University, and we have never thought of disallowing them from sitting for examinations simply because they are non-Bengalis. Then, Sir, the very people who are now crying hoarse that Government should protect us from these up-country drivers are themselves employing non-Bengali drivers. If you take a census of the percentage of such appointments you will find that no less than 50 or 60 per cent. of drivers who are under the employ of Bengali

motor or bus-owners is non-Bengali. Had they been sincere they would certainly have turned out their up-country drivers and taken Bengalis in their places. But instead of doing that, these men are doing propaganda work here to show to the outside public that they are trying to solve Bengal's unemployment problem. Therefore, Sir, the real point is not to refuse to grant licenses to up-country drivers but to show to the outside public that they are the champions fighting the cause of the unemployed *bhadralog* youths of Bengal. I would have understood the sincerity of the mover or of his supporters if they had organised propaganda meetings all over the province to give employment to Bengalis, only then, of course, real good would be done; what the foreigner of Bengal want is employment and not mere refusal of licenses to other people. It will, therefore, be seen, Sir, that the mover is not at all serious and that there is not much sincerity behind the resolution

Then, Sir, has any Bengali been refused a license? It is a fact, Sir, that whoever, no matter whether he is a Bengali or an up-countryman, has qualified himself for motor-driving has been granted his license. If that be the case, where is the grievance of the Bengalis? Mr. Narendra Kumar Basu has quoted certain figures, but those figures are incorrect and they don't show what percentage of Bengali drivers are there, but, Sir, I am constrained to say that no one will be able to understand from those figures what he wants to impress upon the House. As regards self-interest, I am also at one with him, and I must say that we are not self-denying people. But is it not for the sake of self-interest that we must not create bitter feelings against us of the people of the neighbouring provinces where a large number of Bengalis are earning their livelihood? If we do that our men will be simply turned out from their places of domicile and will Mr. Basu give them a guarantee that they would be accommodated in Bengal, and they would be given employments and equally remunerative facilities for earning their bread, if that be forthcoming, then, I shall be the first man to support this motion most enthusiastically.

Sir, the arguments put forward by Mr. Suhrawardy are very pertinent in that if other people deal with us in a bad way, why should we emulate them? Sir, everyone knows that Bengal has been famous for upholding the banner of Indian nationalism, and it would be a pity if we now come down from that high standard and become as parochial and provincial as the sister provinces have become of late. Sir, I am proud to say that I am a Bengali. As a young Bengali I refuse to admit defeat to any youth of any other province. Bengali youths are in no way weaker or less energetic than people of other provinces. I am ashamed, therefore, to ask for protection in this way against the raid of up-countrymen into our fields of trade, service, etc., I am, therefore, strongly opposed to this resolution, and I hope that the mover of the resolution will see his way to withdraw it.

The Hon'ble Sir ROBERT REID: Sir, the time is short, and I want to say a few words only on the attitude of Government on this resolution. I can assure my friend, Mr. P. N. Guha, that Government are in entire sympathy with any scheme for gratifying the aspirations of the Bengalis or with any proposals for dealing with the problem of unemployment in Bengal. But what we feel is that by accepting this resolution the object which he has in view would not be achieved.

In the first place, Mr. Narendra Kumar Basu made a good deal of the question of unemployment in dealing with this resolution, and on that ground he asked the House to accept it. But I ask, Sir, is this going to solve the problem of unemployment? I feel that when he was making his speech on this particular aspect of the matter, he was begging the main question. He was asking us to assume that, supposing by some magic touch of the wand all the taxi and all the bus-drivers who belonged to alien communities suddenly left their driving seats, there was an equal number of trained Bengali drivers ready to step into their seats, and drive off hither and thither in Calcutta. I do not know, Sir, whether that is the case, but I feel sure that it is not.

Mr. NARENDRA KUMAR BASU: But that is not the resolution.

The Hon'ble Sir ROBERT REID: But that is what the words of the resolution imply.

Mr. NARENDRA KUMAR BASU: But the word is "granted" and not "renewed."

The Hon'ble Sir ROBERT REID: Well, that is a distinction without a difference. Anyhow, the course of this discussion has certainly revealed a great many pitfalls and difficulties in this resolution, and those difficulties make it impossible for Government to accept it.

One point has been raised in several quarters, and that is that other provinces do exercise this kind of discrimination. I think that idea was first given voice to at a meeting held a couple of years ago in the Town Hall when it was asserted that in Madras and Bombay licenses were not given to anybody except persons who belonged to those provinces. Sir, I took the trouble to enquire into that, and I had letters from both Bombay and Madras which showed me that that was not the case.

Mr. NARENDRA KUMAR BASU: But do they give licenses to non-nationals?

The Hon'ble Sir ROBERT REID: There are no rules to the effect that no license shall be granted to any one who is not an inhabitant of the province—that is the point at issue.

Then, Sir, Rai Bahadur Chokhany has quoted section 298 of the new Government of India Act which, as far as we can anticipate, will be in force next year, and that, I think, is a very pertinent point. Mr. Basu's answer to that is an answer which I do not think he really expected us to take seriously. His answer was that it was not a matter of legislation but one of executive order of not giving a license or something like that, as if such action did not go against both the spirit or letter of the section.

Then, Sir, a good deal of the argument proceeded on the inverted line that Bengalis were excluded from the privilege of driving motor cars in this city. Nothing of the sort. They are not excluded. The thing is open to them as it is open to anybody else. It is not an avenue of employment kept solely for non-Bengalis. It is open to any Bengali who is willing to follow this avocation.

Then, Sir, another pitfall is, what is the meaning of the word "Bengali?" No body has explained it and the mover of the motion did not explain it. It is very difficult to know what is meant by a Bengali. If it is meant to include all persons who are domiciled in Bengal, then you open the profession of motor-driving to Marwaris, Christians, Anglo-Indians, Europeans and others. But I do not know whether that is the——

Mr. NARENDRA KUMAR BASU: Yes, that is so. You are a Bengali.

The Hon'ble Sir ROBERT REID: Mr. Basu says that that is the inttentiton of the resolution. This shows that the resolution was not very carefully drafted or very carefully worded.

Then, Sir, Mr. S. M. Bose asks for a committee. That, of course, is not a bad way of shelving rather a difficult question. I do not think that Government would be prepared to accept it as a way out of the difficulty for this simple reason that if you want to do anything on these lines, surely it is more appropriate that it should be left to the Government under the new Constitution to take steps if they think fit. It is hardly appropriate for us a moribund Council to decide to take

any step in the matter—even the rather indefinite step of forming a committee. I think for that reason it is rather difficult to accept Mr. Basu's suggestion.

To me, Sir, it is rather an unusual and indeed a refreshing experience this evening of having on my side two almost habitual opponents —one is Mr. P. Banerji and the other is Dr. Amulya Ratan Ghose— and I must say that they have advanced some extremely cogent and very well-thought-out reasons against this resolution——

Mr. NARENDRA KUMAR BASU: They always do that!

The Hon'ble Sir ROBERT REID: Well, I am not so sure about that. Anyhow, Mr. P. Banerji with his inside knowledge gave us some interesting historical facts about the bus and taxi trade, and I should think that in all probability those facts were new to a great many of us. He told us how the first taxi was put on the street in 1908 and the first bus in 1920, and how they were driven by Bengalis, and to start with, the Bengalis did actually drive these machines, but gradually they dropped out. It is not a fact that they were ever excluded and they are not excluded even to-day. Sir, the small number of Bengali motor-drivers simply shows that either they were not sufficiently interested in this occupation or it did not appeal to them; either it did not give sufficient wages to suit them or, as has been suggested in some quarters, they were not physically fit for long hours and hard work which motor-driving—certainly bus and even taxi-driving—entailed. Mr. P. Banerji has also raised an interesting point that as a tremendous amount of Bengali money is invested in this trade, if you are going to take steps to interfere with the good-will of the trade and with its general conduct by legislative or executive action, you are running the risk of bringing ruin on a great many deserving people, and you are also, I should say, possibly depriving the public of a very good service. Sir, it has never been suggested here except by Mr Satish Chandra Ray Chowdhury that the bus service is a bad one. Mr. Ray Chowdhury gave us a terrible picture of the atrocities committed by non-Bengali bus conductors and drivers. I have never heard of such atrocities, Sir, and I do not think anyone in this House will agree with him that it is generally held that the Bus Service and the Taxi Service do not confer a great benefit on all those who have to travel in them to attend to their daily work. Therefore, Sir, it cannot be said that we should for this reason oust the Sikhs and the Punjabis from the trade.

Sir, Mr. P. N. Guha has given us an instance of a demand for an Oriya driver from Orissa, and has said that it was a terrible piece of parochial discrimination. I wonder why he has not yet tabled and

introduced a resolution to-day asking the Government of Bengal to at once exclude all the Oriya *malis* and coolies from their occupations in Bengal——

Mr. DEPUTY PRESIDENT: Sir Robert, I am afraid I have to adjourn the Council now.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 27th February, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 27th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 81 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Accommodation of Jurors.

*18. **Babu SATISH CHANDRA RAY CHOWDHURY:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(a) Whether jurors attending Sessions trials are allowed to live in hotels and other places which are easily accessible to the parties?

(b) Whether Government have evidence that there is good deal of corruption among ordinary jurors owing, among other reasons, to their easy accessibility to the parties?

(c) Whether the Government are considering the desirability of building or renting quarters close to the court buildings to accommodate jurors during the trial of Sessions cases?

(d) Are the Government considering the desirability of inviting the opinions of the Sessions Judges as to matters referred in (c) above?

Mr. T. J. Y. ROXBURGH: (a) The member is referred to the answer given to clause (ii) of his starred question No. 50 asked on the 19th August, 1935.

(b), (c) and (d) No.

Promotion of Executive and Judicial officers.

*19. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether in the promotion of Executive and Judicial officers the percentage of the reversal on appeal of the judgments of each officer is taken into consideration?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of taking necessary steps in the matter?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) The opinion of superior judicial authority, which usually makes reference to the results of appeals, is one of many matters which are taken into consideration before an officer is promoted.

(*b*) Does not arise.

Misbehaviour of police constables.

*20. **Seth HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that one Jyotish Chandra Chakravarty, a resident of 84, Barrackpore Trunk Road, while going along the crossing of Shambazar, was set upon and beaten by policemen on the 12th January, 1936;

(*ii*) that the gentleman was engaged on an errand of mercy and was returning after purchasing medicines for a neighbour of his who was attacked with cholera;

(*iii*) that the said gentleman told the policemen about his errand and showed them the cash memo. of the purchase before he was molested;

(*iv*) that when he requested the policemen at least to forward the medicines to the cholera patient, one of the policemen threw the medicine bottle on the ground and broke it;

(*v*) that the gentleman was locked up at the Shambazar thana for the whole night and had his finger prints taken at Jorabagan as if he were an ordinary criminal; and

(*vi*) that the cholera patient died that night for the lack of medicines?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) whether they have fixed upon anyone the responsibility for the death of the cholera patient;

(*ii*) what actions, if any, are being taken in the matter for the prevention of such incidents in future; and

(*iii*) what reparations are being made to the unfortunate gentleman?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) He was arrested at the place referred to by a constable on 13th January, 1936, at about 2-30 a.m. under section 54, Criminal Procedure Code, but he has made no allegation that the constable beat him.

(*ii*) and (*iii*) Yes.

(*iv*) It is alleged that a phial containing medicine was thrown on the street by another constable who assisted the first constable in escorting the arrested person to the police-station.

(*v*) He was kept in the police-station lock-up for the remaining portion of the night. In the morning he was forwarded in the usual way to Jorabagan for having his finger impressions taken.

(*vi*) The cholera patient died on 14th January, 1936, at 4 a.m. It has been ascertained that he received proper medical treatment throughout.

(*b*) (*i*), (*ii*) and (*iii*) Proceedings against three members of the police force who were concerned in this regrettable incident have been drawn up and have not yet been disposed of. The Commissioner of Police is fully alive to the necessity of taking every possible step to obviate the recurrence of such incidents.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether during the time that this man was in the police lock-up any superior officer saw him?

The Hon'ble Sir ROBERT REID: I should like to ask Mr. Basu to explain what did he mean by superior officer.

Mr. NARENDRA KUMAR BASU: By that, I mean the officer in charge of the police-station.

The Hon'ble Sir ROBERT REID: So far as I remember the officer in charge saw him, but I am not sure.

Mr. NARENDRA KUMAR BASU: Did the man make any statement to the officer in charge of the police-station and did he try to verify the truth of that statement?

The Hon'ble Sir ROBERT REID: I must ask for notice of this question.

Mr. NARENDRA KUMAR BASU: When was the man released?

The Hon'ble Sir ROBERT REID: As far as I remember, he was released the very day he was taken to the Jorabagan Police Court.

Mr. NARENDRA KUMAR BASU: I wanted to know at what hour or at about what time of the day he was released?

The Hon'ble Sir ROBERT REID: I must ask for notice.

Mr. NARENDRA KUMAR BASU: Is it not one of the rules of the Calcutta Police as well as of the Police elsewhere that, when a person is brought to a police-station by a constable, the officer in charge or somebody else, as the case may be, interviews him, and is it not practice or rule to have the statement of the arrested person tested so that he might be released then and there if he is found to be innocent?

The Hon'ble Sir ROBERT REID: I think so; it is the practice that the officer in charge of the police-station should do so.

Mr. S. M. BOSE: Do the Government contemplate paying any compensation to this unfortunate gentleman?

The Hon'ble Sir ROBERT REID: Government does not at present contemplate doing so.

Maulvi SYED MAJID BAKSH: Was the order for suspension of the three men of the Police Force passed as a first step?

The Hon'ble Sir ROBERT REID: Departmental proceedings were taken. I cannot say more than that.

Babu JITENDRALAL BANNERJEE: Had any charge been formulated against the man subsequent to his arrest?

The Hon'ble Sir ROBERT REID: No, Sir.

Babu JITENDRALAL BANNERJEE: Was the man sent up for trial?

The Hon'ble Sir ROBERT REID: No.

Babu JITENDRALAL BANNERJEE: Then, is it not an irresistible conclusion that the man was arrested without cause?

The Hon'ble Sir ROBERT REID: Mr. Bannerjee may draw his own conclusion.

Mr. NARENDRA KUMAR BASU: Is it not a fact that he was arrested without any reasonable cause?

The Hon'ble Sir ROBERT REID: No, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Had any step been taken against the officer in charge of the police-station?

(No answer.)

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Discharge of a temporary lecturer of the Sanskrit College.

5. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a professor in the permanent staff of the Sanskrit College has been dismissed from service since the 18th January last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to give the name of the dismissed professor and state the reason for such dismissal?

(*c*) Is there any truth that he has been dismissed to make room for a junior temporary Muslim officer?

(*d*) Will the Hon'ble Minister be pleased to state whether the said Muslim officer has the same qualification as the dismissed professor?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) No.

(*b*) A temporary lecturer named Babu Surendra Nath Goswami was discharged because his temporary service was no longer required.

(*c*) No.

(*d*) Does not arise.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether this gentleman, Mr. Surendra Nath Goswami, was a lecturer in the Bethune College and Chittagong College before he was appointed to the Sanskrit College?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Not that I am aware of.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether, a couple of years after, this gentleman was taken in the temporary vacancy caused by the creation of a post in the Sanskrit College after he was asked by the Director of Public Instruction to undergo a medical test for the purpose of confirmation?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am not aware of that, but if Mr. Basu wants details I can enquire into the matter.

Mr. NARENDRA KUMAR BASU: Is it not a fact that on the 24th October, 1935, the Director of Public Instruction offered him Grade I scale of pay?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: This is a question which I am not aware of, because the only question that was raised here was whether he was dismissed? He was on a temporary basis and as his services were no longer required, his services were dispensed with.

Babu JITENDRALAL BANNERJEE: How long was this gentleman allowed to officiate in a temporary post?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I cannot say that.

Babu JITENDRALAL BANNERJEE: Why were his services not altogether necessary?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am afraid my friend misunderstood me. There were certain posts purely on a temporary basis, and the question was whether they were to be filled up. When a particular question arises for appointment to an ultimate vacancy, then the seniormost officiating man will get the post in Grade I or II and automatically another's service has to be dispensed with.

Mr. NARENDRA KUMAR BASU: According to Government Order No. 1540, dated the 15th April, 1933, is it not a fact that this gentleman was officiating in this post?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: If my friend will go through the records, he will see that it was so.

Mr. NARENDRA KUMAR BASU: Does it not follow, therefore, that there is no question of officiating in a post in place of someone else promoted or transferred to some other service?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It appears that the implication of the question is to take too much for granted, although this was not the case.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*c*), may I know who has been appointed in that vacancy?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That temporary post has been abolished and, therefore, the question does not arise.

Mr. NARENDRA KUMAR BASU: Is it not a fact that the person, who was next to him, was appointed at least six days after this gentleman was appointed and had also been made permanent?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is not the report. The fact is that there were several temporary posts in the department and the seniormost man was retained in service.

Terroristic crimes.

6. Babu KISHORI MOHAN CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that terroristic crimes and activities have almost been absent from Bengal for a very considerable length of time; and

(*ii*) that the number of arrests under the Bengal Ordinance has almost ceased for some time past?

(*b*) Is it not a fact that thousands of our young men are suffering internment for indefinite periods?

(*c*) Are the Government considering the desirability of releasing these detenus as early as circumstances permit?

MEMBER in charge of POLITICAL DEPARTMENT: (the Hon'ble Sir Robert Reid): (*a*) (*i*) No. During 1935 terrorist crimes included three murders, one dacoity, the distribution of inflammatory leaflets and posters and the organisation of revolutionary associations.

(*ii*) Arrests under the Bengal Criminal Law Amendment Act were not so frequent in 1935 as in the two previous years, but it is not the case that they have almost ceased.

(b) A statement is placed on the Library table showing the number of persons detained under the orders of Government, in jails, camps, village domicile and home domicile on the 28th January last.

(c) It is the policy of Government to release detenus whenever such release is consistent with the public safety. Cases are constantly being reviewed and orders are cancelled or modified whenever circumstances permit.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether, in view of the statement laid on the table, the total number of persons detained is 2,574, of whom 1,499 are in jails or in camps and only 179 are in home domicile and 30 are confined to the residences of their relatives, and whether he will make further efforts to have those men who are still in jail transferred to home or village domicile or to residences of their relatives?

The Hon'ble Sir ROBERT REID: Yes.

LEGISLATIVE BUSINESS.

NON-OFFICIAL MEMBERS' BILL.

The Bengal Municipal (Amendment) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to present the Report of the Select Committee on the Bengal Municipal (Amendment) Bill, 1935, introduced by Mr. P. Banerji.

Mr. P. BANERJI: Sir, I beg to withdraw, with your permission, my motion.

The motion was then, by leave of the House, withdrawn.

The Bengal Municipal (Amendment) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to present the Report of the Select Committee on the Bengal Municipal (Amendment) Bill, 1935, as introduced on the 28th February, 1935, by Rai Bahadur Satyendra Kumar Das.

Rai Bahadur SATYENDRA KUMAR DAS: I am very grateful to the Hon'ble Minister and his Secretary as well as to the members of the Select Committee for the incorporation of almost all my amendments in the Government Bill. So I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

The Calcutta Municipal (Second Amendment) Bill, 1936.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to present the Report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1936.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1936, as reported on by the Select Committee, be taken into consideration.

I need hardly remind the Council that this Bill has been brought to remove an anomaly in the Calcutta Municipal Act. Persons who do not pay income-tax and who follow certain occupations, pay a lower rate of license fees. At the same time when the Calcutta Municipal Act was passed, income-tax was not payable on an income of less than Rs. 2,000. But since then by amendments of the Income-tax Act the tenable minimum was reduced. So I suggest that in place of the words "by whom no income-tax is payable" in Schedule VI, the following words "by whom income-tax is not payable on an income of Rs. 2,000 or more" be inserted.

The question that the Calcutta Municipal (Amendment) Bill, 1936, as reported on by the Select Committee, be taken into consideration, was put and agreed to.

Mr. PRESIDENT: I should point out there will be a formal change in clause 1, namely, for the title "Calcutta Municipal (Amendment) Act" the title "Calcutta Municipal (Second Amendment) Act" should be substituted. This was agreed to.

The question that clauses 1 and 2 as amended stand part of the Bill was put and agreed to.

The question that the preamble stand part of the Bill was put and agreed to.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that the Calcutta Municipal (Second Amendment) Bill, 1936, as settled in Council, be passed.

The motion was then put and agreed to.

The Bengal Municipal (Amendment) Bill, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to present the Report of the Select Committee on the Bengal Municipal (Amendment) Bill, 1934, introduced by Rai Bahadur Satyendra Kumar Das on the 14th December, 1934.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, for the same reasons, as I have given on the previous Bengal Municipal (Amendment) Bill, 1935, I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

The Bengal Municipal (Amendment) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY. Sir, I beg to present the Report of the Select Committee on the Bengal Municipal (Amendment) Bill, 1935, as introduced by Rai Bahadur Satyendra Kumar Das on the 12th December, 1935.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

The Calcutta Municipal (Amendment) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to present the Report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1935, introduced by Munindra Deb Rai Mahasai on the 19th August, 1935.

MUNINDRA DEB RAI MAHASAI: Sir, I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

The Bengal Medical (Amendment) Bill, 1935.

Mr. MUKUNDA BEHARY MULLICK: Sir, before I move my motion, I would ask for leave to permit me to omit the name of Mr. Haldar, for reasons which I do not like to disclose, from the list of members of the Select Committee. The other members have agreed.

I beg to move that the Bengal Medical (Amendment) Bill, 1935, as introduced by him on the 12th December, 1935, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Robert Reid, K.C.I.E.,

(2) Mr. J. W. R. Steven,

(3) Mr. W. L. Armstrong,

(4) Mr. H. S. Suhrawardy,

(5) Dr. Sir Nilratan Sircar, KT.,

(6) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(7) Munindra Deb Rai Mahasai,

(8) Khan Bahadur Maulvi Hashem Ali Khan,

(9) Babu Jitendralal Bannerjee,

(10) Maulvi Abul Quasem, and

(11) the mover,

with instruction to submit their report as early as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

This is a short amending Bill. So, I do not think any long speech on my part is necessary to justify its introduction. Sir, I have tried to explain the position in the Statement of Objects and Reasons which I have annexed to the Bill. It is designed by this Bill to amend section 17 of the Bengal Medical Act, VI of 1914. That section provides for the registration of a certain class of persons as qualified medical practitioners. A schedule is attached to that Act which makes mention of the class of persons who should be registered as medical practitioners under the provisions of that Act. The schedule to that Act enumerates three classes of persons who are qualified to have their names entered in the register of registered practitioners.

The first clause says: "Every person who is for the time being registered or qualified to be registered under the Medical Acts."

The second clause makes mention of every Doctor, Bachelor or Licentiate of Medicine, or Master of Obstetrics or Master, Bachelor or Licentiate of Surgery, of the Universities of Calcutta, Bombay, Madras, Allahabd or Lahore.

The third clause mentions that every person who has been trained either in a Government Medical College or School in India, or in a Medical School in India not maintained but recognised by the Local Government, for the purposes of this schedule and who holds a diploma or certificate granted by the Government, or granted by a Medical School not maintained by Government but recognised by Government declaring him to be qualified to practise in Medicine, Surgery and Midwifery, or to perform the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

Now, Sir, so far as section 17 of the Act is concerned, there is a proviso attached to it. It lays down the conditions under which certain classes of persons have to be refused permission to practise as medical practitioners. For my present purpose we are not, however, concerned with that proviso. By the Bill now before the House, it is sought to add another proviso as the first proviso to section 17 of the Act. There are two clauses of the Bill: The first clause says that persons, who were practising as medical men and who would have been otherwise qualified to be registered as such before the enactment of the Medical Act, VI of 1914, should be granted that permission and the

second clause refers to the class of persons who would not be qualified as such, but who had qualified themselves from non-recognised medical institutions after 1914. I believe it will not be necessary for me to discuss the reasons in great detail as to the desirability of a measure of this nature. It is common knowledge now that about 50 years ago there were only one recognised Medical College and two Medical Schools. It is common knowledge also that the number of students who passed out from those institutions were not found sufficient to answer to the needs of medical relief that was necessary in the country in those days. That is why many private institutions have come into being since then. Question has been asked at times, whether these private institutions have been well managed or ill-managed. I answer the question in this way, that at least some of them must have been very well managed. If you look into their history you will find that in many of these institutions eminent medical men have been in charge not only of the management but also of their teaching work. You will also find that successive Lieutenant Governors were kind enough to signify their willingness to be patrons of many of the institutions and some of them enjoyed Government grant. Therefore, it cannot be said in a sweeping manner that all these private institutions were not well equipped to turn out qualified medical men to take up the profession of practising in Medicine, Surgery and Midwifery. We know further that the Medical School which was located at Belgatchia in the suburbs of this city, and which was originally known as the College of Physicians and Surgeons of India, was so well equipped that it was raised to the status of a College to prepare students for degree examinations, and you all know how it has properly maintained so far its status, dignity and utility.

If you look to the reasons for which Act VI of 1914 was introduced you will find that the object of that measure was to provide a means of protecting the public and the profession from irregularly qualified practitioners whose training in Medical Science had been obtained at unrecognised institutions and to affords facilities for ascertaining whether any particular practitioner possessed recognised qualifications. So far as that question is concerned, nobody has taken any exception. I hope everyone in this House and outside it would certainly be anxious to maintain this position so far as this profession is concerned. But Government felt that if the measure was put into operation all at once, many practitioners would be turned out of the field altogether. That being the position, we find that what they did was that they gave some time to those who were qualified under the rules then in existence to bring them within the scope of the measure and to qualify themselves under the rules that were framed. I believe the time-limit fixed was 4½ years within which they were to fulfil the conditions that were required under the provisions of Act VI of 1914.

Before dealing with this matter in some detail, you will pardon me if I refer you to the Acts in this direction that were enacted by the other provinces in India. The first attempt that was made in this direction was made by the Government of Bombay, inasmuch as they enacted the Bombay Medical Act, VI of 1912. The Act that was passed in Bengal came after that, in 1914. It was enacted in Burma, in 1915, and the Punjab Act II was enacted in 1916, the United Provinces Act III was enacted in 1917. It would appear from these measures, Sir, that the other Governments have all recognised the claims of the existing medical practitioners and that they not only recognised their claims, but allowed them to practise as such. In this connection, Sir, if you compare the provisions of the British Medical Registration Act of 1815, you will find that they kept the provisions operative for a period of over 60 years till 1875. If this is the early history of all these Medical Acts, the question may be asked, whether there is any practical utility of the measure which I have introduced in this House; or in other words, whether there is really any practical difficulty felt by the practitioners in their profession. It is well known now that these unfortunate practitioners did not very well realise the full significance of the measure of 1914 until some subsequent measures were passed by the Indian Legislature, *e.g.*, the Poisons Act, 1914, and other Acts in the form of Excise Act and so forth. We all know from our own experience that many of these medical practitioners are catering to the medical needs in the interior of the province, under district and local boards, tea gardens, collieries, mines and so forth with the utmost satisfaction not only to their employers, but have also earned the blessings of all the villagers living in the remotest corners of Bengal. As a result of the Act of 1914, followed by the subsequent Poisons Act and Excise Act, they are now being thrown out of employment as they are regarded as mere quacks. It is not only a mere question of dignity or prestige, but it now appears to be a question affecting their bread as well. As a result of the provisions which have been enacted since 1914 the disabilities from which these medical men have now been suffering are several in number. In the first place, they are deprived of the privileges of using some important drugs by the reason of provisions of the Poisons Act, XII of 1919. They are deprived of the privilege of prescribing even some of the very useful anæsthetics or sedatives on account of the Excise Act. Secondly, they are held disqualified from signing certificates, giving medical evidence in law courts, and so holding public appointments and appointment in private industries, such as jute, tea, etc. Thirdly, they are gradually losing jobs in which they were previously employed. Fourthly, they served heretofore in several mills, gardens and companies, but now they are receiving notices of dismissal from those bodies solely by reason of the fact that their certificates according to law carry no weight with

the Government, although their services as doctors are highly appreciated. Fifthly, the professional reputation of an unregistered medical practioner may secure him patients, but these patients feel that the unregistered practitioner will not be able to prescribe many medicines prohibited by the Poisons and Excise Acts, and will not be competent to grant any certificate whenever necessary. Patients, therefore, naturally go to less competent medical practitioners who may happen to be registered under the Act. In the sixth place, in Assam, unregistered medical practitioners have actually been given notices of discharge from jobs held by them in plantations, in pursuance of a resolution passed in the Assam Medical Council on the 17th October, 1933.

Of these disabilities, the last one is of an outstanding importance, as it relates to the bread problem of a large number of people in these hard days.

In this connection this alone may be taken as a concrete instance of how the Bengal Medical Act, VI of 1914, has been used to deprive the livelihood of the medical practitioners passed from the non-recognised medical institutions.

These are some of the instances in which these medical practitioners have been very much hard hit by all those provisions of law. Now, I submit that nobody in this Council denies that some relief is called for and since they felt the difficulties, after 1919 attempts have been made to set matters right. In 1919 we find that an attempt was made to modify this Act by one of the then members of the Council, but his attempt failed. In August last Mr. J. L. Bannerjee introduced a Bill to amend some of its provisions, but his attempt was a failure as Government were not willing to extend their sympathetic consideration to that Bill. Government may very well say on this occasion as well that when opportunities were given to them after the passing of the Act of 1914 to avail themselves of its provisions they did not take advantage of them. Why should we now extend any consideration to them? If we do so now and if then some of these unrecognised practitioners do not avail themselves of the opportunities and if five or ten years after, people come up and say that they did not take advantage of the Act of 1936, but they want to do it now, so, give them an opportunity. If things go on like this, the result will be chaos. It is all very well to say things of this nature, but I would submit respectfully that that would be no answer to the grievances which have been practically felt not only on account of the operation of the Act of 1914, but also on account of the operation of some of the measures which have been subsequently introduced. That being the position, I would submit respectfully that some relief is certainly called for and there is no doubt about it.

In this connection, I may draw the attention of the House to the fact that there is a great demand for medical studies and the existing

Schools and Colleges cannot admit all the intending candidates. One knows from his personal experience that the existing recognised Schools and Colleges cannot admit one-fifth of such candidates. There is ample scope for the improvement of these non-recognised institutions and if that is done a great deal of all these difficulties may be solved. But that is not the exact matter with which I am concerned at the present moment. I only submit that regard being had to the fact which I have just now related in detail and some in brief, the question is how far this grievance can be remedied. How far can we now go? And because of these considerations, this Bill which is very short cannot be disposed of in this House. There are various complications and implications which have got to be discussed and settled round the table. There are some matters which cannot be discused on the floor of the House, and it is for this reason I propose that this Bill might be referred to the Select Committee so that Government may, if they feel inclined, be in a position to see along with other members who might form the Select Committee, how far it is possible and feasible for them to accede to the request which is made in this Bill and whether it is possible thereafter to give some relief to the medical practitioners and to remove whose difficulties this Bill is designed. So far as the first clause is concerned, it has reference to the practitioners who would have been able to practise before the Act of 1914 was introduced and the second clause is to be applicable to those who have come into existence after the passing of the Act of 1914. That is a proposition which cannot be settled on the floor of the House, and it is for fuller discussion that I propose that this Bill be referred to the Select Committee consisting of the members whose names I have mentioned so that the matter might be settled in a happy manner. With these words I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I support the motion of Mr. Mullick. The principle of the Bill is a very simple one and there can be no reasonable objection to the adoption of the fundamental principle. Certain persons who would have been qualified to be registered in 1914 allowed their registration to go by default, because a time-limit was put to their registration. The question is—Should they be allowed now to come in as registered practitioners? No doubt there is the law and there has been a default; but that is the most technical of all technical objections. You have got to look at the question of the merits and on the merits what possible objection there can be to the registration of those persons who have been practising for a number of years. No question of overburdening the list by registration of incompetent and incapable practitioners or letting loose incompetent and incapable practitioners on the public arise; because the Medical Act does not prevent anybody from practising as a medical practitioner, qualified or unqualified, but it only gives the stamp of Government

recognition to certain medical practitioners. Therefore, qualified or unqualified, they are entitled to practise, though under certain handicaps. Further, no question of unqualified practitioners arises, because persons with identical technical qualifications acquired in the identical test are already on the registration list. If they are qualified to go on and hold themselves out as medical practitioners or to sign certificates which are acceptable to Government offices and courts, what possible objection there can be to give the same privilege to others who have not got themselves registered within the specified time. So from the point of view of public policy there is not one word to say against it. I am not for the time being concerned with the second provision of Mr. Mullick's Bill which may or may not be considered. But so far as the first part is concerned there can be no possible objection to the adoption of that part of the Bill. What does it come to? Is the Government going to turn a deaf ear to all talk of reason, all talk of grievances and sufferings of the people, merely because they have made default? That is the sort of attitude which Judges have sometimes adopted when the law forces them to do so. But the legislature should be the last place where an argument of that sort should be allowed to prevail. The legislature must look over and above everything to the interest of the public and to considerations of justice and equity. These persons have been suffering, and they only now have come to realise the extent of their suffering on account of a mere technical flaw. The question is whether that grievance should be removed and whether the numerous members of the public, who are served by them, should be permitted to be adequately served. Because a medical practitioner who is not registered cannot give adequate service to his patient as he is debarred not by the Medical Act of Bengal but by an Imperial Act passed subsequently from prescribing certain medicines which are often essential. Therefore, the question is whether a certain number of persons who are qualified according to the standard laid down by the Bengal Medical Act and are working should be allowed to work adequately and to earn their lievilhood as they have been doing now. Most of them are advanced in years now, and the effect of non-registration is that at an advanced age they are practically to be turned out of their jobs or at any rate effectively done out of it. I submit, there is no reason, justice or equity or public policy for such a measure and there is every consideration of justice and equity in support of this Bill.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I rise to support the motion. On the last occasion when Mr. Banerji put a similar motion before the House in his own admirable way, the Hon'ble Member in charge said firstly, that it would lower the standard of the register, and secondly, that Government had already allowed some

opportunities to those medical men whose names did not occur in the register and who were not qualified in the sense of the Act, to come forward and submit themselves to examination and get themselves registered. These are the two answers from Government that we have got before us. With regard to the first answer of the Hon'ble Member, my submission is that it will not lower the standard for all time to come. The register will certainly include certain persons whose qualifications are almost on a par with those whose names do now appear in the register and whose qualifications may be regarded as higher in some respects than those of the registered doctors in that they have got experience of years behind their back and they also enjoy the confidence of the clientele. Judged by their experience and the confidence of the clientele, they are certainly higher than those whose names appear in the register. You are only allowing those people who are now standing outside owing to a technical bar to come in and the register will automatically be closed for ever. Therefore, it will not lower the standard of the register at all. Seeing the fact that other provinces have also left a loophole for these men to come in, there is no reason why there should be a special case in Bengal which would go to deprive about 500 of these practitioners from getting their names registered and from doing all that they are expected to do. The Imperial Act stands in the way of these practitioners, whatever may be their experience, making proper prescriptions including certain drugs in all cases. The patients are deprived of their services because they cannot prescribe all the drugs on account of the Imperial Act. That is one of the reasons which ought to be considered when you say that you are not certainly preventing them from practising. You are putting an obstacle in the way of using their skill to the advantage of the patients. That is an aspect of the case which ought not to be ignored. With regard to the other answer that an opportunity was given to them to get their names registered, I submit that that rather strengthens the position of the mover of this motion, because Government after the passing of the Act of 1914 said, that an opportunity should be given to all persons to come in. It was not a rigid rule that none but those who had passed from the University or had diplomas should be registered. As a matter of fact, the doors were kept open for a time to these men to come in. If as a result of experience and the reports which must have come to Government it transpires that most of these persons who are in rural areas did not get notice of the notification of the Government and could not avail themselves of the opportunity which was suddenly afforded to them, I think Government ought not to raise the technical plea and say: "You are shut out for ever." That is not justice to a body of persons who belong to the noble profession for their sake as well as for the sake of those persons who want to take advantage of their services. It is a well-known fact that in this country, if statistics have any value,

there are not enough doctors to minister medical aid to the millions. Therefore, it cannot be said that these so-called unqualified doctors ought to be brushed aside once for all without detriment to the cause of suffering humanity. Those whose names stand in the register are not sufficient to cope with the situation to give relief to the diseased, particularly in the rural areas. Most of the doctors who have passed out of the recognised schools practise in the towns, but those of the older generation are generally confined in the mufassal areas. So one need not be surpised if they did not get notice of the opportunity which was then given to them by Government. The reasons which led the Government to allow those persons to submit themselves to examination at that time ought to prevail even to-day. I submit that not only in the interest of so many people, about 500 in number, but also in the interest of the poor people, particularly those who are in need of the help of these medical practitioners, Government ought to be sensible and ought to accept this motion.

The Hon'ble Sir ROBERT REID: Sir, I do not think any new argument has been advanced to-day either by the mover of the Bill or by his supporters which we did not hear last August, in connection with Mr. J. L. Banerjee's similar Bill, and I do not think it will surprise them if I again say that Government oppose the principle of this Bill. I feel some diffidence in repeating the old arguments which have been repeated several times in this House, but I must say again that the main ground on which Government have decided to oppose this Bill is on a matter of principle. You have the Bengal Medical Act of 1914 which was enacted in response to a very insistent demand from influential quarters, from quarters which knew about the practice of medicine and whose opinion was worth having. They said—if you have a Western system of medicine in this country, you must have it practised by people who are well trained in the principles of this medicine and who are equally well trained in the practice of medicine: not only they must have a sound book learning on the subject, but they must have had a sound practical training. As a result of that the Bengal Council of Medical Registration was set up which laid down then and have carried out ever since a very sound and stringent procedure for seeing that candidates for examination are properly trained both in theory and in the practice of medicine. That Act of 1914 was passed in order in the first place to try and ensure that the practice of Western system of medicine was in good and proper hands; secondly, that those persons who chose to qualify themselves in the art of that particular medicine were properly trained and properly qualified, and incidentally were not subjected to the unfair competition of unqualified persons; and thirdly, to protect the public themselves. The public, as we know, are perfectly at liberty to call in any sort of person they like to attend them when

they are ill, but this Act of 1914 enables them to distinguish between those who are properly qualified and those who are not. The gentlemen who have already spoken told us that at the time of the passing of the Act of 1914 a period was given within which certain persons who wished to qualify themselves could do so. They were given 4½ years. Four-and-half years were surely ample time for the purposes of the Government notification, and in the case of the Belgatchia Medical College that period was extended up to 10 years. In this respect it is perfectly true that Bengal took a different line from other provinces, but I claim that that line was justified because it was held in this province that we should try to introduce a standard as high as possible in this particular matter. It is not the case as has been argued in some quarters that unless this Bill is passed we are excluding a deserving body of men from earning their livelihood. I do not think that that argument is very sound or really tenable. It was said in fact quite clearly by one member of the European group at the discussion in last August that they realised that nobody need be turned out of the job because of the disadvantage resulting from a man in not having taken advantage of the period in which he was to get himself qualified in 1914. Nothing of the sort. It is true that since 1919 when the Poison Act was passed—and in the same year the Excise Act was passed—these unqualified practitioners are unable to use certain medicines or other drugs, but I very much doubt if that is a very serious matter: and after all, on the other side, as far as the patient goes, there are qualified men to whom he can go. And if the patient wants to have a certificate which he cannot get from an unqualified practitioner, he can always apply to a qualified practitioner, and there are plenty of them. Mr. S. C. Ray Chowdhury seemed to think that we have not got half enough doctors, but I think that the doctors themselves in many cases would say rather that there are far too many; and that too many of them are unable to make a living. I do not wish to detain the House long over this matter as we have three other similar Bills and we shall probably be hearing all these arguments three times over.

I beg to oppose the motion.

Mr. PRESIDENT: I propose to divide the motion into two parts: one in regard to the reference of the Bill, and the other in regard to the personnel of the Select Committee.

The question that the Bengal Medical (Amendment) Bill, 1935, be referred to a Select Committee, being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerjee, Babu Jitendralal.
Banerji, Mr. P.
Barma, Babu Promthal.
Basu, Babu Jadubir Nath.
Basu, Mr. Harendra Kumar.
Chaudhuri, Maulvi Syed Hassan Haider.
Chaudhury, Khan Abdul Ghani.
Chaudhury, Maulvi Karim Akbar.
Ezaz[illegible], Maulvi Ser Rahimuddin Khan.

Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Khan Bahadur Maulvi Nasiem Ali.
Mittra, Babu Sarat Chandra.
Mullick, Mr. Nokunda Behary.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shasti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Rai Bahadur Nem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Mr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Singha, Babu Kshetra Nath.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Tarafder, Maulvi Rajib Uddin.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Basir Uddin, Khan Bahadur Maulvi Mohammed.
Basu, Mr. S.
Bose, Mr. S. M.
Shekhawy, Rai Bahadur Ram Dev.
Chowdhury, Naji Badi Ahmed.
Cohen, Mr. R. J.
Das, Babu Surupprasad.
Faroqui, the Hon'ble Nawab Sir Mohiuddin, of Ratanpur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Haldar, Mr. S. K.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Kinderslay, Mr. J. B.
Lesson, Mr. R. W.
Mitter, Mr. S. C.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Rev. B. A.
Nicholl, Mr. C. K.
Porter, Mr. A. E.
Rahman, Khan Bahadur A. F. M. Abdur-.
Reid, the Hon'ble Sir Robert.
Roxburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Bahadur Akshoy Kumar.
Shahabuddin, the Hon'ble Mr. Khwaja.
Stevens, Mr. H. S. E.
Townend, Mr. H. P. V.
Woodhead, the Hon'ble Sir John.

The Ayes being 35 and the Noes 41, the motion was lost.

Mr. PRESIDENT: The second part of the motion, therefore, does not arise.

The Calcutta Municipal (Amendment) Bill, 1935.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1935, as introduced by me on the 19th August, 1935, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Mr. S. K. Haldar,

(3) Babu Jatindra Nath Basu,

(4) Khan Bahadur Muhammad Abdul Momin,

(5) Mr. H. R. Norton,

(6) Mr. P. Banerji,

(7) Seth Hunuman Prosad Poddar,

(8) Dr. Naresh Chandra Sen Gupta, and

(9) the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, as the House is aware, my Bill is a very modest one. It is a Bill of one clause really, viz., that in sub-section (*I*) of section 51 of the Calcutta Municipal Act, 1923, the words "for such periods respectively as they think fit" may be omitted.

Sir, the House is aware that under that section the Chief Executive Officer, the Chief Engineer, the Health Officer, the Chief Accountant, and the Secretary are appointed for such periods respectively as the Municipal Commissioners think fit. Sir, I need not dilate upon the difficulties that are created by this provision. Short-time appointments mean that the holders thereof, instead of being able to devote their whole-time to their legitimate work, have got to go round nursing their constituency of 91 or 95 Councillors of the Corporation! If they have got to do that every three years, or for a similar limited period of time, the interests of the rate-payers necessarily suffer. I submit, therefore, that this state of things ought to be ended if it cannot be mended, and it is for this reason that I have brought forward this Bill. But since the introduction of this Bill it has been brought to my notice that merely making the term of these officers permanent in that sense would not meet the difficulty, but that some other changes might also be necessary, and the language of my amending Bill may have to be changed accordingly: This is why I ask that the Bill be referred to a Select Committee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY. Sir, at this stage I just want to submit that Government do not propose to express any opinion upon the principles of the Bill and that they will remain neutral on the motion for reference of the Bill to Select Committee and they will decide their line of action later on.

The motion was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1935.

Mr. SARAT KUMAR ROY: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Tenancy Act, 1885.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Medical (Amendment) Bill, 1938.

Babu JITENDRALAL BANNERJEE: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Medical Act, VI of 1914.

I shall not make any other motion to-day. I simply want the Bill to remain introduced.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1938.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Patni Taluks Regulation, 1819.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: With your permission, Sir, I should like to add the name of Mr. J. B. Kindersley to the personnel of the Select Committee.

Mr. PRESIDENT: Yes, you can.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I propose to place his name after that of Rai Bahadur Hem Chandra Roy Choudhuri.

Sir, I beg also to move that the said Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Brojendra Lal Mitter, K.C.S.I.,
(2) Mr. G. G. Hooper,
(3) Mr. W. H. Thompson,
(4) Babu Jatindra Nath Basu,
(5) Mr. Narendra Kumar Basu,
(6) Babu Khetter Mohan Ray,
(7) Mr. Mukunda Behary Mullick,
(8) Mr. A. Raheem,
(9) Maulvi Abul Kasem,
(10) Khan Bahadur Muhammad Abdul Momin,

(11) Maulvi Abdus Samad,

(12) Mr. Sarat Kumar Roy,

(13) Rai Bahadur Hem Chandra Roy Choudhuri,

(14) Mr. J. B. Kindersley, and

(15) the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the main object of the Bill is to do away with some of the technicalities which exist in the present Act. It is meant for the benefit of the purchaser as well as of the outgoing *patnidar*. There are three courses open to the affected parties to set aside a sale held under the Patni Regulation. The first is that the *patnidar* can deposit money within 30 days from the date of sale of his *patni taluk* and if he does so, the sale is automatically set aside. Secondly, he can apply to the Collector to set aside the sale on the ground of irregularities, and, thirdly, he can file a petition to institute a civil suit to set aside the sale. When he applies to the Collector, the Collector will refer the matter to civil court for decision and the civil court has the power to invest the money of the balance of the sale proceeds. Section 14 (*a*) (*v*) lays down :—

"If any objection is made by *zemindar* or auction purchaser, the Collector shall refer the application together with the objection to the nearest civil court having jurisdiction for decision."

In the same section, Sir, it is laid down—"the civil court may direct that any sum in deposit with the Collector under the first and third clauses of this section shall be invested pending decision of the application by the civil court and thereupon, the Collector shall remit the said sum for investment." When a petition has been filed to set aside a sale there is no such provision clearly laid down by which a civil court can invest the money of the surplus fund. My object is to make a provision on the basis of section 14 (*a*) for the investment of the purchase money held by the Collector and thus to remedy the defect which now prejudice the interest of all the parties concerned. This purchase money, as a matter of fact, is generally a heavy sum and the time taken by the civil courts to decide these cases is very long. Sometimes it takes ten or 12 years to decide a case. From my personal experience, Sir, I can cite a few cases for the information of the House as to how this money has been used. To justify my contention the following cases are mentioned: These cases concern my estate alone, and I have full personal knowledge of them. Besides the Law Reports will show that there are many other such cases. In one case concerning my estate the sale proceeds were Rs. 40,000 and the time taken was

six years. In another, it was Rs. 75,000 and the time taken was nine years. In a third case, the amount was Rs. 25,600 and it took twelve years to decide the case. It will appear from this that the amount involved is generally very heavy and that the civil courts take several years to decide these cases. Therefore, Sir, if the sale proceeds are not invested during the pendency of such cases, it means a great loss to both purchasers and to outgoing *patnidars*. Whatever might be the decision of the court one of the parties is bound to suffer. For example, if a suit is decreed in favour of the *patnidar*, the purchaser would get refund after seven or eight years and that without any interest. On the other hand, if the sale be confirmed, then the outgoing *patnidar* will get the money without any interest whatsoever; the money would remain uninvested during all these years. Moreover, Sir, the principle that I am going to introduce to-day is not a new one. It exists in the present law as I have said just now, and it also exists in the Land Acquisition and other Acts. For the sake of justice to the parties concerned, therefore, I trust the House will accept that principle. With these words I commend my motion to the acceptance of the House.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 28th February, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 28th February, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 77 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of his allegiance to the Crown:—

Maulvi Yousof Hossain Choudhury.

STARRED QUESTIONS

(to which oral answers were given)

Vacancies in the posts of Public Prosecutors of 24-Parganas and Howrah.

*21. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that, within recent months, there have been vacancies in the post of the Public Prosecutor of the 24-Parganas, of Calcutta and of Howrah?

(*b*) Is it also a fact that the vacancy at the 24-Parganas has been filled by appointing a member of the Calcutta Bar, that the vacancy at Calcutta has been filled by importing a gentleman from Howrah, and that the vacancy at Howrah has been similarly filled by importing a gentleman from Burdwan?

(*c*) Was there such a dearth of competent and qualified men in the Bar of the 24-Parganas, the Police Court Bar and the Bar of Howrah as to necessitate these importations from outside?

(*d*) Will the Hon'ble Member be pleased to state what was the principle underlying the selection for these several posts? Was it the

principle of seniority, of long experience at the Bar? Was it the principle of proved and exceptional competency? Or was it the principle of political expediency?

Mr. T. J. Y. ROXBURGH: (*a*) and (*b*) Yes.

(*b*) Yes.

(*c*) and (*d*) Government appointed the men whom they considered to be the most suitable after taking all relevant factors into consideration.

Babu JITENDRALAL BANNERJEE: With reference to answer (*c*), will the Secretary be pleased to state whether there was any dearth of competent and capable men in the Bar of the 24-Parganas, Howrah and the Police Court?

Mr. T. J. Y. ROXBURGH: The cases of the applicants were considered by the local officers who submitted their recommendations and out of the names submitted the most suitable candidates were appointed.

Babu JITENDRALAL BANNERJEE: That is not the answer to my question, which was to this effect: Was there any dearth of competent and capable men in the Bars of these particular districts?

Mr. T. J. Y. ROXBURGH: The most suitable men were chosen.

Babu JITENDRALAL BANNERJEE: What were considered to be the relevant factors?

Mr. T. J. Y. ROXBURGH: Legal learning, ability and character as also the opinions about their qualifications formed by the District Judge, the District Magistrate and the Legal Remembrancer were the relevant factors.

Babu JITENDRALAL BANNERJEE: Is it a fact that no member of the local Bar was recommended by the District Magistrate and District Judge?

Mr. T. J. Y. ROXBURGH: It is not, Sir.

Mr. P. BANERJI: Is it not a fact that in the case of the 24-Parganas a person who was recommended, both by the District Judge and the District Magistrate, was not appointed?

Mr. T. J. Y. ROXBURGH: I am unable to answer that question.

Babu SATISH CHANDRA RAY CHOWDHURY: Was political expediency one of the relevant factors which entered into the consideration of Government?

Mr. PRESIDENT: That is more or less a matter of policy. What do you really mean?

Babu SATISH CHANDRA RAY CHOWDHURY: Was not political expediency one of the relevant factors in such appointments?

Mr. T. J. Y. ROXBURGH: I am afraid I have nothing further to add.

Detenu Mr. Muzaffar Ahmed of Noakhali.

*22. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that the sentence of transportation for life of Mr. Muzaffar Ahmed of the Meerut Conspiracy case was reduced to 3 years' rigorous imprisonment by the Divisional Bench of the Allahabad High Court with a view to give him an opportunity to correct himself, as in the opinion of the said Hon'ble High Court, "in the case of political offences arising out of the beliefs of the accused, severe sentences defeat their objects"?

(*b*) Is it a fact that the said Muzaffar Ahmed had been released from the Faridpur Jail on the 18th July, 1935, but subsequently was rearrested at the jail gate and detained under section 4 of the Bengal Criminal Law Amendment Act, 1930, in his native village Musapore, police-station Sandwip, district Noakhali?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for the subsequent arrest and detention?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) This was one of the two reasons given by the High Court when they reduced the sentence.

(*b*) He was arrested on the 13th July, 1935, on the expiry of his sentence. Under orders subsequently issued under section 2 (*1*) of the Act he was detained in the village mentioned in the question.

(*c*) Because of his connection with the terrorist conspiracy.

Enforcement of the Agricultural Debtors' Act.

*23. **Dr. NARESH CHANDRA SEN GUPTA:** (a) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what steps have been taken up to date to give effect to the Agricultural Debtors' Act and when is the Act likely to be given effect to?

(b) Have rules under the Act been drafted or are they in process of being drafted?

(c) What steps, if any, have been or are being taken to appoint necessary officers and members of the boards?

(d) Are the Government aware that delay in putting the Act into operation is having a disastrous effect on all classes of people and in particular on the agriculturists and that in most places, particularly in places in Western Bengal where crops have failed, money has become scarce or available only by sales of land or upon bonds with inflated principal?

(e) If the answer to the last question is in the affirmative, what steps do the Government propose to take for organising rural finance so as to make credit available on reasonable term?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (a) Effect cannot be given to the Act until it has received the assent of the Governor General. Government are, however, taking steps to bring the Act into operation as early as possible after it has received such assent.

(b) Rules are being drafted.

(c) Preliminary enquiries are being made. No appointments can be made until the Governor General's assent is received.

(d) No.

(e) Does not arise.

Maulvi ABDUL HAKIM: With reference to answer (c), will the Hon'ble Member be pleased to state by what time we may expect the preliminary enquiries to be finished?

The Hon'ble Mr. Khwaja SHAHABUDDIN: As early as possible It is very difficult to give any definite date.

Maulvi MUHAMMAD FAZLULLAH: How long will it take to receive the assent of the Governor General?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I do not think I can answer that question, Sir.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Pandit Jawaharlal Nehru and the Bengal Government Report.

7. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the name and designation of the officer who framed the Bengal Government Report for 1933 containing a reflection on Pandit Jawaharlal Nehru?

(*b*) For how many years is the said official entrusted with the task of framing the Government Administration Reports?

(*c*) Is the Hon'ble Member aware of the remark in the said Report that "The Report is published under the authority and with the approval of the Government of Bengal, but this approval does not necessarily extend to every particular expression of opinion"?

(*d*) Is it not a fact that the people want to know the opinion of the Government and not the "inferences" of a particular official in the employ of the Government?

(*e*) If the Government do not like to express their own opinion in the Reports published under the authority and with the approval of the Government, are the Government considering the advisability of stopping such further publication?

(*f*) Are the Government considering the advisability of making an unqualified apology to Pandit Jawarharlal Nehru?

(*g*) Is the Hon'ble Member aware that a public feeling exists that the said Pandit has been wronged by mere inferences from his speeches?

The Hon'ble Sir ROBERT REID: (*a*) It is not the practice to make public the name of the officer who compiles the Annual Administration Reports.

(*b*) He was entrusted with the work of writing the report for 1933-34 only.

(*c*) Yes.

(*d*) This is a matter of opinion.

(*e*) No.

(*f*) A statement issued by Government on the subject on 8th January, 1935, is laid on the Library table. Government do not think it necessary to take any further action in the matter.

(*g*) It was on account of the expression of such a feeling that the statement referred to in the answer to (*f*) was issued.

GENERAL DISCUSSION OF THE BUDGET.

Maulvi ABUL KASEM: Sir, this is an opportunity, one of the very few that is afforded to the non-official members of the House, to discuss and criticise the administration and the policy of administration so far as it affects the budget. I am afraid everything in the administration depends upon the budget. No doubt this year I avail myself of the opportunity, and if I may add, of that privilege, but it serves no useful purpose. I have been a member of this House longer than other members, and I have found it that in recent years, since the Reforms were inaugurated, our recommendations, our criticisms and our discussions of the budget have little effect or influence on the deliberations of the Treasury Bench as mentioned in the reports of Government. Still I avail myself of this opportunity because I hope that the Treasury Bench will satisfy us by giving effect to some of our suggestions. Somebody asked Socrates why did he go down on his knees to a great man, although he was the greatest of all. He replied that he did not do it either out of respect or veneration, but because he wanted to tell him something but his ears were not on his head. So, I thought that by constantly repeating I might be able to say something. In the first place, the most noticeable feature in this year's budget, as it has been in the previous year's budget, is the question of a top heavy administration. The Finance Member, in season and out of season, cries that however a scheme or a measure is reasonable and legitimate, he is sorry to remark that money cannot be found. But when the question comes about top heavy administration, he finds out pleas to part with the money. In the second place, I believe—if my information is correct—Bengal is the only province which has the luxury of seven members in the Cabinet. Bombay has not got so many, neither the Madras Presidency. Bengal is very lavish when the question of higher appointments is concerned, but whenever there is a question of retrenchment, that of saving money and of economy, the burden is thrown either on the poor clerks, *chaprasies* or petty officers of Government who unfortunately are taxed. I will not dilate on the point and leave it to the Treasury Bench to decide for themselves. In the Burdwan and Presidency Divisions, according to the report received by Government, there is a good deal of distress and some sort of relief has to be given. The first step of relief which the Government undertook was to appoint an additional Commissioner; whether the relief is substantial or not, beneficial or not, at any rate, we have the luxury of an Additional Commissioner who goes about touring in the two divisions for the purpose of ascertaining the intensity of the distress prevailing. We have heard a good deal, and that is the cry of the day, about rural uplift and agricultural improvement, and Government now, after 150 years, seem to have realised that the agricultural labourers in the field are the only or almost the

only producers of wealth, and they are the paymasters of all Government officials. Whether it is the *zemindar* or whether it is the professional man, the *zemindar* is nothing but a tax collector and the professional man earns his money out of agricultural produce. Sir, he is the tax-payer and on his prosperity and on his solvency depends the prosperity of the province. But after all Government have lately realised both in this province and elsewhere that the agricultural population at least deserve some sympathy and consideration. But I want to know from the Treasury Bench what are the steps they have taken and at what rate they are proceeding. Just now, in answer to various questions put from this side of the House, we have been told that enquiries are going to be made and what is more we have also been told that no action can be taken until it has received the assent of the Governor General. What I want to say is that if you want to improve agriculture or to improve the conditions of the agricultural population, you should move immediately and at once without much deliberation. In my long connection with politics, I have found that whenever there is a cry for redress, Government appoint commissions of enquiry and by the time the enquiries are completed, it is found that it is too old and stale and too late for any redress. Another is that whenever it has been brought to the notice of Government that the people demand a certain measure for the improvement of the man in the street and not for those who sit in cushion chairs or in offices, they appoint a commission or bring forward some piece of legislation. But neither such commission nor such legislation has done any good. Sir, I might remind the House that the Primary Education Act, was passed in this House which alienated the sympathy of a large section of my countrymen. It was passed by pressure, and many a time during the course of the debate when the measure was on the legislative anvil demands were made to drop it. Somehow the members of the House were wise enough. They thought that by getting this Act passed they might remove at any rate the illiteracy to a very large extent among the people.

Sir, when the Bill was passed, the then Hon'ble Minister, the foster-father of the Bill, received congratulations from all sections of the House and congratulations were also offered to my friend, Nawab Musharruf Hosain, and when the Bill was passed, it received the assent of both the Governor and the Viceroy. But no action has yet been taken, and I am afraid it is not proposed to take any action. Three years back we were told that Government had selected a few districts where experiments would be made. Of those three districts, one happened to be the district of which I belong. I am in touch with the people of that constituency, and I am told that the only step taken was to suggest certain names for nomination as members of the committee, but nothing else has been done. Then, Sir, there have been other measures. I must say with a certain amount of respect and admiration that the Bill passed with reference to industries reflects some credit to the Industries Department as

well as to the Hon'ble Minister for taking prompt action in the matter, and I might add that they have done a good deal of service for which credit is due to a large extent not only to the head of the department but also to Mr. Weston and Mr. Mitter, the Director and the Deputy Director. But I am here to complain and not to congratulate. The Rural Development Bill has been passed, but I do not mean to say that in so short a time they will be able to show tangible results; but at any rate we may be told how they are proceeding and what they are going to do to give effect to it. In the English vocabulary, there are all sorts of high sounding words and, therefore, high sounding words are used in Government resolutions, but the man in the street does not care much either for high sounding words or for promises. We want straight facts and real action. The people of Bengal—the rural population, the agricultural population—are not only in a miserable but in a pitiable condition, and I am afraid not only they but the Government itself will collapse if they are allowed to die. They will not either live or prosper by resolutions, commissions or even by researches. Researches are no doubt good, but the results of the researches will not benefit the rural people at all. I am a man living in a most uncivilised and an unimportant village. I might say that what the rural population—the tillers of the soil—want is good drinking water, water for irrigation, and a little convenience in the shape of good roads to carry their agricultural produce to important markets. These are the primary needs—other things come later on, but instead of paying attention to them, there are two parties in this country—Government party and politically-minded party. Government has got its commissions, reports and committees and the non-official politically-minded Indians want village reorganisation, village reconstruction and congregation of people to educate them how to vote at elections, but the real needs so far as I know nobody has tackled yet. While speaking on the subject, I say with some parochial interest that we the people on the other side of the river Ganges—the river is holy but in spite of its holiness—we on the other side are badly treated, treated with injustice and with very little care. The Burdwan Division of the province of Bengal is a milch cow of the whole province. We pay revenue from the permanently-settled estates to the tune of nearly Rs. 32 lakhs and the Dacca Division with four districts and having the same area and with a better and more fertile soil pay only Rs. 6 lakhs.

(Here the hon'ble member, having reached his time-limit, had to resume his seat.)

Rai Bahadur SATYENDRA KUMAR DAS: "Mr. President, Sir, I confess that it is with some hesitation I stand to speak on our budget problem because my sad experience for this matter for the last four years is anything but encouraging. We made our suggestions, but I regret to say they fell on deaf ears. However, being a representative of the people, I cannot sit like a statue. I have carefully read what the

Hon'ble Finance Member has said about the budget. We have no quarrel with him as far as the arithmetical portion of his speech is concerned; it is more or less correct.

Sir, roughly speaking, a little less than Rs. 12½ crores is our income and our total expenditure is estimated to be Rs. 13 crores, leaving a deficit of a little more than half a crore, and in order to meet this deficit we are advised to borrow again from the Government of India to the extent of Rs. 40 lakhs. Since year before last we had been fighting against a chronic deficit of two crores. Roughly speaking, 11 crores were our expenditure and nine crores were our income; this deficit of 2 crores were made up only last year by (*a*) securing half the jute duty from India Government which amounted to Rs. 1 crore and 11 lakhs, and (*b*) by levying further taxation which fetched an additional income of 28 lakhs, and all the the time hopes were given to us that this additional income would be spent for the rural economic reconstruction of Bengal, *i.e.*, for the benefit of the agriculturists who are admittedly 70 per cent. of our total population if not more.

Sir, we repeatedly made our suggestions that the expenditure for the ordinary administration in normal times should on no account exceed 9 crores. We also proved that, if any proof was necessary, our administration can safely be carried on with an expenditure of 9 crores. But unfortunately for us all our suggestions have been mercilessly thrown away and along with it the suggestion of the Retrenchment Committee was also neglected if not insulted.

Sir, on account of our heavy deficit we reduced our expenditure to little more 10½ crores in the year 1932-33, and I must remind you that terrorism was a problem at that time. Now to-day when there is admittedly no terrorism in the province, we have merrily decided to increase our expenditure from 10½ crores to 12½ crores, and of this increment of two crores we have practically got nothing to spend to rebuild the shattered economic life of rural Bengal; this is the situation and, Sir, I hope I have not misrepresented the facts.

Sir, I respectfully submit that after reading the otherwise able speech of our Finance Member I have been thinking if really the alarming chronic poverty of our agriculturists is a matter of concern with the Government. I have not forgetten the Bengal Relief Bill, Bengal Development Bill and Money-lenders Bill, and I also know that it did not cost the Government a single farthing, but all the developments of Bengal cannot be achieved in this way. We must have something to do with the abnormally high expenditure of this absurd top heavy administration. Last year I suggested that the partial recovery of our jute duty should be utilised to develop the scheme of land mortgage banks, but to my utter surprise I find that not a *couri* is allotted out of it for that purpose; only 10½ lakhs is granted for loan to the agriculturists. May I ask what justification the Government can give for not

spending the whole amount of jute duty for the benefit of the jute cultivators of the province? That is why I had been thinking if the gradual ruin and destruction of our agriculturists is really a matter of concern to the Government! The jute cultivators, I make bold to say, have got every right to every farthing of this jute duty which this year amounts to probably Rs. 1 crore and 26 lakhs. Not to spend this amount even as a loan to the jute cultivators is a piece of economic injustice of which any Government should feel ashamed. What does jute restriction propaganda mean? I find no definite provision for it this year, in this scrutinising speech of our Hon'ble Finance Member, except his indefinite assurance for its continuance. To rob the money-lenders and to pay the agriculturist is a merry job, but the reconstruction of the economic life of rural Bengal undoubtedly requires something more. Is there a single provision for it in the whole of the budget speech? I respectfully submit no—not; then how can the economic life of Bengal be reconstructed? It cannot be reconstructed in vacuum—I mean reconstructed out of nothing. A heavy amount is required to be spent for it, but, Sir, where is the provision for it? If a scheme requires one hundred crores and suppose if the Government grant Rs. 5½ lakhs as has actually been the case, then one is forced to say that the Government is following not the substance but the shadow of the rural reconstruction of Bengal. Sir, I repeatedly said that more money should be put into the pockets of our agriculturists; charity can't do it, and the Government as has been said is not a charitable institution. We know that, and as I know that, therefore I suggested the fixing of minimum prices of our jute and paddy by legislation, but the disinterested author of our Recovery Plan suspects that the measure is fraught with "dangerous possibilities." I do not admit it, but assuming it for granted, I with folded hands request the Government to face that danger if danger is inevitable. The recovery of our peasantry from this horrible ruin is not a light task. The gravity of the situation demands of us all that we shall strain all our nerves, we shall combine all our resources and apply the whole of it to save a dying people. To fritter away 16 lakhs in 13 different ways is certainly not the reconstruction of rural life of Bengal.

Sir, in spite of the increment of 2 crores of our income and in spite of the fact that we did not borrow last year, we are going to borrow 40 lakhs this year from India Government. The Hon'ble Finance Member is an expert in the matter of public finance, could he not curtail our expenditure and do away with this little borrowing? He of all people knows best that ours is a top heavy administration. Then, the expenditure on Dum Dum Central Jail, police quarters of Jorabagan, dwellings of Reserve Police at Comilla, Rajshahi Central Jail, all these have seriously engaged the attention of our Hon'ble Finance Member. If we say anything on this topic, I know what will be the effect. They

are necessary. They are indispensable; as every suggestion in the nation-building department is impracticable and fraught with dangerous possibilities.

Sir, I have taken liberty to criticise the policy of the budget speech and the policy as I see is only the following of a shadow and not the substance to rebuild the economic life of our rural population. I repeat only what I said, that there is the danger—to drive 70 per cent. of the population to hunger and crime—specially with the gradual awakening of post-war, economic and political consciousness among the rural population of 87,000 villages of Bengal.

Dr. NARESH CHANDRA SEN GUPTA: Reading the speech delivered by the Hon'ble Finance Member in introducing the budget (I had not the good fortune of being present when it was delivered) the note which struck me therein was one of gratification, little short of exultation at the fortune that he had had after years of stress and strain. When good luck comes to a person everybody congratulates him, and I congratulate the Hon'ble Sir John Woodhead on his good fortune. He has produced a budget which is not balanced, but anyone who can read the budget inside out can see that the deficit of half a crore is a mere eye-wash; it won't exist in the revised budget unless the Government is determined to have it. But barring that, barring the congratulation which is due to his good luck, I cannot congratulate him on the budget as it has been presented. I should have liked to have congratulated Sir John Woodhead on a great imaginative budget produced in the last year probably of his administration of the department; but the budget is if anything not imaginative. On the contrary, it shows his extreme anxiety to save his money and to do nothing by way of expenditure which has not been done before. Sir, the result is that this budget reflects the lopsided character of the administration. Certain figures would be instructive in this connection:—

In 1932-33 our revenue receipts were Rs. 9,38 lakhs. It went down still further in the next year; but there was an increase a year after that and now we are budgeting for a revenue receipt of Rs. 11,49 lakhs —a clear increase of Rs. 2 crores over the figures of 1932-33. One would be interested to learn where these two crores have gone. The years from 1932-33 and 1934-35 and partly 1935-36 were years of extreme stringency and the Government applied all the scissors at their hands to pare the expenses of the administrative departments. But what was the result? The result is shown by a comparison of the figures of some of the departments.

Let us take first of all the departments which are regarded as the nation-building departments and add to that the departments which bring money to the Government and which wisely administered are calculated at any rate to bring profit to Government in lieu of the

expenditure involved. Of the latter category is the Forest Department. In 1932-33 the revenue expenditure on the Forest Department was Rs. 14,48,000 and the capital expenditure was Rs. 61,000. In 1936-37 we are budgeting for an expenditure of only Rs. 15,12,000 and a capital expenditure of near about one-third of the capital expenditure of 1932-33. One would have thought that the Forest Department is a department in which money wisely spent would bring adequate return. But that department is starved.

Take Irrigation. We have had two pieces of legislation which had to do with Irrigation Department and which would seem to indicate a more aggressive and imaginative policy of Government in this department. Well, in the Irrigation Department the revenue expenditure in 1932-33 was Rs. 10,69,000 and in 1936-37 it is Rs. 10,32,000. In other words, the Irrigation Department, notwithstanding the very showy Bill that has been passed, is continuing this year to be what it has always been in the past—merely a department for maintaining its establishment.

Then look at Education. Here the figures are even more interesting. In 1932-33 the expenditure on Transferred Education was Rs. 1,14 lakhs. Even in this prosperous year we are not providing for more than Rs. 1,18 lakhs for the Transferred Department. It is rather interesting reading side by side with the expenditure on the reserved side of Education which was Rs. 11,96,000 in 1932-33, but has steadily increased year after year from Rs. 12,07,000 in 1933-34, Rs. 12,19,000 in 1934-35 and Rs. 12,48,000 in 1935-36 and there is a budget provision for Rs. 12,87,000 next year.

Then looking at the Medical Department we find that Rs. 48,36,000 was the figure for 1932-33. It is even now going up to only Rs. 49,19,000. Public Health was Rs. 36,54,000; it is going to be Rs. 36,70,000. In other words, these departments are left to stagnate.

Agriculture and Industries are both of the same character and we know very well how little they serve the purpose for which an appropriate Agriculture or Industries Department ought to exist. Well, any amount of money which might be spent and wisely spent upon this department would be perfectly justified and would not only be justified on moral and political grounds, but would be justified on financial grounds as well, because it would bring back money to the exchequer. Compared with this department, which ought to have the first attention of Government in any Government organised on modern up-to-date lines, the departments which are mere spending departments have been very very lavishly treated. Take General Administration. Rs. 1,17 lakhs was the expenditure in 1932-33. It has gone on steadily increasing year after year all through the lean years till in the next year we are budgeting for Rs. 1,37 lakhs. The Department of Justice,

the Cinderella of the Reserved Administrative Departments, continues in its old poverty and neglect, and from Rs. 94,14,000 we have been able to mount up to Rs. 96,26,000 only, pocketing the enormous sum of court-fees earned from it, although the administration of justice can be considerably improved by further expenditure.

Then we come to Jails. Rs. 40,40,000 was the expenditure in 1932-33. It has gone on increasing, and we have now budgeted this year for Rs. 43,08,000.

With regard to Police, it was Rs. 2,19 lakhs in 1932-33 which has risen steadily to Rs. 2,30 lakhs. It was Rs. 2,29 lakhs according to the revised estimates, but now that it is possible for the Government at least to relax a little of their police activities on account of the terrorist movement, we find not a reduction, but an increase of about a lakh over the revised estimate. These are eloquent figures which show the outlook of the Government. The Government exists to maintain the Government. It does not exist to help the people to live and to better themselves. That is an outlook which existed in the past. In go-ahead countries of the West and the East, Government have cultivated a different outlook and even the most conservative States have had to take in hand large and expensive schemes for the purpose of ameliorating the economic condition of the masses, while our Government have been innocent of that.

The Department of Education is interesting. I have told you that the Department of Education on its Transferred Side has been starved; the Department of Education on the Reserved Side has been pampered beyond limit. Is it that the Transferred Department of Education has no need for money? Of course not. We passed with a great flourish years ago the Primary Education Act for which the Government had to make an advance payment of some money. It was because in the years of stress and strain the Government could not find the money, and the Primary Education Act could not be made operative. One would have thought that when the stress and strain were over, the Government would take the first opportunity to redeem its pledge for the introduction of free and compulsory primary education. That has not been done, and we have not been told that we are anywhere near the date when the Primary Education Act would be applied so that education might be free and compulsory.

Looking at the University grant, it is rather interesting to find that the grant to the Calcutta University has been *reduced* by virtue of an agreement which I cannot but characterise as an agreement of a *bania* rather than that of a Government. Then, again, look at the other aspects. We have had a long talk in recent years about the economic reorganisation of villages. Committees sat and many speeches have been made on the matter. Well, what provision do you

make in the budget for that? I see none. We have advanced our revenue income by about Rs. 2 crores over 1932-33. There is no doubt that we had to borrow from the Government of India, and possibly even this year we will have to borrow for balancing our budget. But why balance your budget instead of carrying on your debt and utilising it for the purpose of financing the development of rural areas? If you could borrow with the uncertain finances and on the security of insecure revenues of those days, why can't you borrow when the revenues of the Government have greatly improved and capacity for repayment has greatly increased? I should have thought that at least the Government should have continued to borrow for the purpose of financing the rural development scheme. Two crores of rupees which, we visualised, would have to be borrowed from the Government of India last year, if wisely spent through the Co-operative Department in its many activities, would have changed the face of the economic condition of the country. I have not the slightest doubt that it would have inaugurated movements which would have borne rich fruit in the years to come, but those two crores have not been forthcoming. The Government have absorbed the increased revenue in other ways. The Government have not ventured to borrow further from the Government of India. They have steadily set their face against borrowing now.

There is a great deal to be said for financing the Co-operative Department with Government money just now. We have passed the Agricultural Debtors Bill in this Council. We do not know yet when that Bill is going to become law. But in the meantime dire consequences of this piece of legislation have appeared. If that Bill had been immediately put into operation the whole country would have been saved, but we are not anywhere near the date when it would be in operation yet. In the meantime, the *mahajans* have refused to finance the agriculturists. They are suing and executing their decrees against their debtors and, before the Act comes into force, you will probably find that the bulk of the agricultural population of Bengal has been brought to ruin. That ruin the Government is morally bound to prevent, and it is the moral duty of the Government to finance the co-operative banks which would finance the agriculturists. The Government has not done that. The Government has not even utilised the Rs. 16 lakhs which they got from the Government of India for any purpose which would have been reproductive to any large measure, and what has been done? The money has been spread over thirty heads under which it would be frittered away.

(At this stage the member having reached the time-limit was allowed extra time to conclude his speech.)

And even then the Finance Member believes in not spending this money all at once but only 5½ lakhs this year and 10½ lakhs next year. I think he might go on and keep this money further. This reminds

me of a story of a jackal which came upon a dead man, a dead boar, a dead snake and a bow. In the presence of so much food in one place, it decided to live for the day upon the string of the bow (অদ্য ভক্ষ্য ধনুর্গুণঃ) and save the food for the future. The result was disastrous. The Government in following the stingy policy, unimaginative policy, a policy devoid of sympathy for the real grievances of the agriculturists, is working towards that disaster.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: The House has just heard my friend Dr. Sen Gupta who has given an illuminating picture of the financial progress of the country. So I should not repeat what he has said. I only want to say that the picture which the Hon'ble the Finance Member has presented before us of the financial struggle that he had been through for the last four years shows one thing and that is that the prosperity of Government depends upon the prosperity of the people. In fact, the Hon'ble Member has admitted it in his speech, and this admission though late may yet bring in some good results. He has been long working as the Finance Member, and I am sorry that he mentioned in his speech that this was perhaps the last budget that he may present before the House. I wish that he could have been longer here and presented more budgets and helped the province out of the present financial difficulty, but he says that it has been ordained that he will have to vacate his seat. I do not know who is that fortunate man in the non-official benches who possesses that amount of knowledge of finance as to be able to present before us next year more illuminating and better budget than has been presented to us this year. However, I may say this much that our finance was in the hands of the ablest man, and the struggle that had been going on for the last seven or eight years to balance the budget and the sympathy and support that we get from the Government of India in time of difficulty are really due to the efforts of the present officers of Government. Sir, I fear that if the present arrangement goes and a new order of things come in, the difficulty of Bengal will be still greater. Autonomous Bengal can never think of a balanced budget. I think it is the duty of the present Government, if they really want to transfer the administration to the people, to hand over the finances of the country in such a state that the people of Bengal may not be perturbed with an unbalanced budget next year. Of course, my friend the Hon'ble the Finance Member has told us at the end of his speech that our case has been properly put before Sir Otto Niemeyer who has undertaken an enquiry into the financial condition of the provinces. Therefore, I, on behalf of the people of Bengal, want to tell Sir Otto that if he really wants to do his duty, he should not forget the case of Bengal. We are in a very deplorable condition on account of the fact that we are not paying sufficient sums to the Governments in their various departments—whether Imperial or Provincial. But, Sir,

Bengal has paid considerable sums into the coffers of both the Governments, and the question of Bengal's finances is nothing but an adjustment between the two Governments—Imperial and Provincial. Sir, when I ask Sir Otto to consider that he should make the future autonomous Bengal self-supporting, I do not ask for very much from him. I simply demand from him our just rights: if you deny them to us, then autonomy had better not be granted to us at all. I am sure that if in future the condition of Bengal be such that it would not be possible for any future Government to increase the taxes of Bengal to such an extent that it can spend any amount it liked, then Bengal would be in a still more deplorable condition. Bengal has been paying sufficiently in customs duties, railways, and income-tax: it is also paying large sums to the Treasury of the local Government. After all these payments, if you say that further sums should also be given by Bengal by way of further taxes, I think you will be courting disaster for the country. I hope, therefore, that Bengal's case will be properly put before the Niemeyer Committee so that they might understand the force of the arguments that I have advanced in support of the case of Bengal.

Sir, no other province has contributed to the finances of the Government of India as the province of Bengal has done. Anybody who knows the state of things must realize that we from Bengal have been contributing the largest amount in the form of income-tax and customs duties, and this we are paying in proportion to the population. But what are we getting from the Government of India? As long as the Government of India were responsible for the management of the provinces, they used to pay extra sums to meet their expenses; but, Sir, what will happen when every province is made autonomous, *i.e.*, made to depend upon its own revenues? I feel that if real justice is not done to us by this Committee, better not grant us this provincial autonomy at all. Nobody will be able to work it, and where will money come from, if the Government of India, which is the parent institution, say in the future that they cannot pay a farthing towards the cost of the provincial administrations? That is the point that I think requires to be pressed by the Government of Bengal before this committee. I know, Sir, that our case is in very able hands, and I also know that it has been very well represented, but at the same time we are very anxious to see that justice is done to us, and it is with this object that I have pressed this point before this House, so that the committee may know that their work is not being watched by the few officials only who are talking with them, but that the whole of Bengal is watching their work with keenness and that Bengal expects that justice will be done to her.

I do not like to complain very much against this budget. I know the difficulties of Government; I know also that the Primary Education Act that was passed in the teeth of opposition has not been given

effect to yet, but I hope that the time will shortly come when it will be enforced. As soon as the finances of Bengal are in a proper condition, everyone must combine to give effect to it. What has happened to the Act I do not know, but I hope that it will be really enforced, not in the way in which my friends want it, but enforced in the proper way, and that during my life-time at least I shall be lucky enough to see free, compulsory, primary education established in Bengal.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: May I ask my hon'ble friend a question, Sir? Does he want that the primary education cess be introduced just now in the district of Jalpaiguri?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, my friend has put a question to me. Before the depression came we were all anxious to have the cess, but even now, I submit, the depression has not passed. My idea was that as soon as the depression would be over and the people would be ready to pay their quota, the Act could be enforced. But the position is this: Suppose you cannot enforce the whole of the Act, cannot you for the sake of an experiment introduce it in one district only. [THE HON'BLE KHAN BAHADUR M. AZIZUL HAQUE: For instance, in Jalpaiguri! (Laughter.)] and spend money out of Government's funds, (THE HON'BLE SIR JOHN WOODHEAD: And not by taxes?) and see how it works? In that way a beginning can be made, at least in a district or at least in even a part of a district, and why don't you do that? Why don't you introduce in two or three villages——

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, my friend does not know that it is being done even now.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Well, Sir, I am very glad to hear that it is being done. I must express my gratitude to the Hon'ble the Finance Member for what he has done during the last few years of his term of office, and I think——

(At this stage the member having reached the time-limit, had to resume his seat.)

Rai Bahadur SATYA KINKAR SAHANA: Mr. President, Sir, though on these occasions a long rope is generally given to us, yet I

shall try to confine myself to the budget itself, and not stray into thickets to get myself entangled. In the beginning, Sir, following the precepts of the *Shastras*—

শত্রোরপি গুণাবাচ্যা
দোষা বাচ্যা গুরোরপি।

I offer my heartiest congratulations and grateful thanks to the Hon'ble the Finance Member. I congratulate him because, in spite of the enforced deplorable financial condition of the province and the continuous castigation of Providence for long five years, he has been able to balance the budget without imposing the burden of a loan on the country. I thank him, Sir, for the hope, however faint, that he held out to us in the direct, frank, and cordial speech with which he introduced the budget. Sir, when hope is gradually vanishing from every part of our poor earth—and especially from India—it is no inconsiderable gain to be cheered by the Hon'ble the Finance Member with the prospect of better days, though to guard us from undue elation he said, "As regards the future course of prices it is impossible to say more than this, that recent conditions afford no ground for the conclusion that prices will, during the next five years or so, return to the predepression level."

Earlier he said: "..... we have crossed the bottom of the trough of the depression, are climbing slowly up the other side, and that the rate of that climb will depend entirely upon the course of prices of our staple primary products." Sir, these are words of hope and they cannot fail to inspire us with hope.

Then, Sir our thanks are due to him for the sympathy that he has expressed for our hapless province. He said in his speech: "The standard of expenditure in Bengal has always been low, and an examination we made recently of expenditure in several provinces has brought out in strong relief how unfavourably the standard in Bengal in many and important spheres of activity compares with that in certain other major provinces. The standard in Bengal is one of the lowest in India; and our financial position will not be satisfactory until funds are available for a considerable improvement in that standard of expenditure until, as I have so repeatedly said, we have obtained an equitable financial settlement which will render possible the development of the more beneficial activities of Government beyond the present inadequate standards." These, Sir, though the words of a sun-burnt British Civilian, expresses sentiments which every Bengali who loves his country has always at heart.

Sir, so far so good. But it cannot be denied that there is malcontentedness in the air of Bengal, and this is catching like contagious diseases which have made Bengal their permanent abode. Sir, I hope I shall not be accused of want of vitamin if I confess that I have imbibed the contagion of malcontentedness to some extent. Looking into the budget, I find that Rs. 2,30,49,000 have been allotted for Police and Rs. 1,18,32,000 for Education. I hope I shall not be accused of miscalculation if I say that Bengal is more policed than educated. I admit, Sir, that the Police budget swelled up to save the country from the canker of terrorism which has been eating into its vitals. But terrorism was never encouraged or approved by the people of Bengal. A few demented youths took to the cult of the bomb and the revolver under some mysterious influence, though in the beginning some of the journalists inconsiderately used such words as self-immolation, martyr and *Shahid* of the dastardly murderers, they never encouraged the evil. As regards people at large, they always cherished a repulsion towards the crime of terrorism. But however that might have been in the past, at present every Bengali, be he a Hindu or a Muslim, is loud in condemning terrorism. Though terrorism is still lurking in some dark corners, there is every sign that it is dying out, and if the present conditions prevail, it will die out very soon. Though I know that men and nations have got to reap the bitter fruits of *Karma* even when the *Karma* or work has ceased through the laws of inertia, I would have liked to see the Police budget after attaining its zenith declining towards normality. So, Sir, I cannot but be sorry to notice that it is still going up. I cannot help thinking that it is high time now to take steps to bring it down. Then, Sir, I find that for General Administration there is a provision of Rs. 1,37,20,000, for Administration of Justice Rs. 96,24,000 and for Jails and Convict Settlements Rs. 43,80,000, *i.e.*, for the three heads Rs. 2,77,24,000, whereas there is a provision of Rs. 49,92,000 for Medical, for Public Health Rs. 36,78,000 and for Agriculture Rs. 25,65,000, that is, for the three heads which deal with the life and the living of the people only Rs. 1,12,35,000. Sir, I shall take up another item and then stop from quoting figures. For Famine Relief a magnificent sum of Rs. 2 lakhs has been allotted, but for Superannuation Allowances and Pensions a sum of Rs. 66,11,000 has been allotted. Sir, we can on no evidence believe that the enjoyers of superannuation allowances and pensions are more in distress than the famine-striken or more numerous than they. Then, Sir, the other day when talking to a *Sadhu*——

Mr. PRESIDENT: Rai Bahadur, I am afraid I shall have to adjourn the Council now for prayer. You can continue your speech when we meet after the adjournment.

(The Council was at this stage adjourned for fifteen minutes.)

(After Adjournment.)

Rai Bahadur SATYA KINKAR SAHANA: Sir, the other day when talking to a *Sadhu*, I was told that most of the present evils of humanity are due to a sad want of the sense of proportion. He further said that love of justice and equal treatment to all were innate in human nature and any shock to it causes heartache. Justice and equity were the pillars on which all firm administrations stood, and where those pillars decayed the edifices came down with a crash. Sir, before resuming my seat I would request the Hon'ble Member to introduce better justice and better sense of proportion in the provincial budget. And I would further request him to try to get justice from Sir Otto before Bengal becomes an autonomous province.

Babu SATISH CHANDRA RAY CHOWDHURY: Mr. President, Sir, there is one outstanding fact which is noticeable in this year's budget and that is the effort made by the Hon'ble Finance Member as well as the Government to restore the equilibrium of the Bengal budget; that is a fact which anyone might notice even on a cursory study of the budget statement made by the Hon'ble Finance Member. In fact, when the Hon'ble Member took charge from his predecessor of the present exalted office, the picture was a very dark one. We were then faced almost with a crisis in our financial position and nobody knew, nor could the Hon'ble Finance Member assure us, when Bengal would emerge from that critical position. Now, all these years, since the Hon'ble Member had assumed charge, he has been making a great and strenuous effort in order to restore the equilibrium of the budget. Undoubtedly, no praise is too high for the Hon'ble Member and the Government of Bengal presided over by His Excellency Sir John Anderson for the efforts they made to get financial justice done to Bengal by partial restoration at least of the jute export duty. But for the effort and success which has at least partially been achieved, we would probably have been in a very serious crisis by now. Therefore, it is up to us and up to the people of Bengal to render what is the legitimate due of the Hon'ble Member and the present Government of Bengal. Sir, as has been said by the Hon'ble Finance Member, it is probably his last budget and probably it is also our last chance to say something on the general aspect of the Bengal budget. It will not be of any avail to criticise the past, however full of errors, or of omissions and commissions that might have been. But what I do want to say to-day is for those who will in future be in charge of the Government of Bengal to take that as a warning. Although, Sir, attempts have been made to make two ends meet with regard to the expenditure and revenues of Bengal and whatever may be the jubilation over the present state of the budget owing to the partial restoration of the equilibrium, the fact remains that this budget as well as its predecessors,

so long as we have been in this Council, are not the people's budget as we may call it. It is not enough in the affairs of Government as in our private affairs to make the two ends meet. That sort of existence is not desirable, particularly in the present state of the world, when we must march forward because times are pressing. The necessities from all sides are pressing, and we must be able to hold our own position not only against ourselves, but against other advanced countries. Judged by the standard of improvement—moral, political and economic—the one verdict that prosterity will have to pass is that since the last reform was introduced, the Government of Bengal have failed to do their duty. Nothing is on record to the credit of the Bengal Government except that somehow or other they have eked out their existence, and prevented the crash. Even to-day, if you take away the special grant from the Government of India, I mean the jute export duty, the financial condition of Bengal is a hopeless one. As I was going to say, Government budget is one thing and people's budget is another. If I may speak on behalf of the people of Bengal, I feel bound to say that the budget which does not bring about an amelioration in their economic and political conditions is not worthy of the paper on which it is written. The two things that the people care about are, firstly, that the burden of taxation on them must not be too high, and, secondly, that the budget must be so framed that after meeting other essential charges, there must be sufficient left in order not only to maintain their existence but also to ensure to the people that they may bring up their children in a way worthy of their past tradition and to ensure other improvements in all directions in the future. Judged by that standard, I may be permitted to say that the people of Bengal are in a very serious condition. The little improvement that is seen in the land revenue and other revenues is no criterion to judge the condition of the people. They are in as hopeless a state as ever. They are not in a position to make both ends meet, and they cannot give sufficient food to their children, nor can they bring up their children in the way they would like. Go to the Bengal villages, from hamlet to hamlet, and from house to house, and the one spectacle that will meet your eyes will be half-starved, famished, half-educated, ill-educated and illiterate people to the extent of 90 per cent. Nothing has been done to remove or ameliorate this state of things.

At a time when we are faced with a new constitution and we are asked to take the responsibility of citizens under a new state of things, democracy and democratic form of Government demands that the people and the electorate must be sufficiently enlightened in order to bear the burden successfully. An untrained and illiterate democracy is worse than an autocracy. We have been promised a so-called democratic form of Government, but the gap between that form of Government and the educational progress of the general population is too wide

to be bridged in a short space of time. That is the state of things after 150 years of British rule. If you go to America you will see that even 95 per cent. of the Negroes are literate. I am not speaking of the white Americans amongst whom illiteracy is only 1 per cent. We find that in the most advanced provinces of India illiteracy is more than 90 per cent. and on our shoulder is going to be placed a costly administration with all its paraphernalia. Every son of Bengal will have to share a load of taxation to maintain that administration. We never cried for that kind of administration. We have cried for something more. Rai Bahadur may cry; but the country will never cry for this sort of administration. There is one other thing on which a civilised and democratic form of government as it obtains in the world gives prominent attention—I mean the industrial progress of the country. It is not by agricultural income only that an administration like this can be maintained by the people. To maintain a costly administration like this there must be industrial progress, and the revenue of Government must be derived largely from industries. We cannot point to a single country which is as backward industrially as we are; you cannot go on simply by retrenchment, but fresh sources of revenues must be discovered, which we have not been able to do till now. What have the Government of Bengal done for the industrial regeneration of the country. They have done nothing at all. The little that they have done is to train a few detenus who will come out and train the country. The Aid to Industries Act has been passed, but may I enquire what amount of money has really been given to make that Industries Act a real one? How many persons have been given any aid under that Act and how many have been set up in new enterprise? Yet this was boomed in the country as a piece of legislation which will bring about the economic salvation of the country. Some laws have been passed here which were proclaimed as calculated to bring about moral and economic regeneration of the people, but none of them has worked with success nor has wrought any change in our condition. If you go to the village, you will find the condition to be the same as it was 10, 30 or 40 years ago. On the contrary, we find that whatever little arts and craft we have in the country are dying out. Look at the condition of the middle-class people in the villages and what we find there reminds me of Goldsmith's famous saying:—

"Sweet Auburn, loveliest village of the plain,

Where health and plenty cheered the labouring swain."

But here in India the spectacle in the village is such as not to encourage anybody to place any reliance on Government for bringing about real improvement in the country. It may be said that with their present income Government cannot do better. But I need

hardly say that Government could have done better if they too courage in both hands. As it strikes me, in the present year's budget, there are one or two aspects which need mention. I may be wrong, but I am sure many will agree with me that the grants on several heads are very poor. The Police grant really absorbs a larger portion of the budget than the nation-building departments. Sir, the cry has been raised always in this Council by the Government that but for the terrorist activities, things would have been otherwise. Well, Sir, we are all up against this terrorism. We have done our very best to put an end to it, because we all know that this has done a lot of harm in the country, more than anything else. We find there is a considerable improvement effected by the efforts of the Government as well as by the co-operation of the people. Sir, I believe it is possible, therefore to bring down expenditure and retrench more under the head of the Intelligence Branch of the Police. I think most part of the work of the Intelligence Branch might easily be done by the general police with a little strengthening of the ordinary police force. It appears from the statement made by the Hon'ble the Finance Member that last year the reduction under this head was Rs. 3 lakhs; this year the reduction is only Rs. 1 lakh. Sir, I do not presume to know more than the Hon'ble the Finance Member himself——

(The member having reached his time-limit was allowed extra time to conclude his speech.)

What I want is that a new outlook ought to be brought to bear in future, not only by a balancing of the budget but by providing for a real improvement in the condition of the people—politically, economically and socially—as a result of the activities of the Government. That is how government for the people ought to account for itself. A national Government must spend for nation-building departments mainly. If it fails in doing that, I submit the Government cannot really in the eyes of the people at least be regarded as having done its duty. As a matter of fact, so far as the efforts of the present Government are concerned, they are matters of past history already, but I would like to press upon the Hon'ble the Finance Member and the Government just to leave something behind them in the way of a new outlook, a new arrangement, and a new vision which their successors will be able to imitate for the betterment of the people.

Kazi EMDADUL HOQUE: Mr. President, Sir, year after year we hear an eloquent and elaborate speech made by the Hon'ble the Finance Member. Every year he has had to tell his tale and during the last few years we found that he had come with a tale of melancholy; he had come

with a tale that he could not present such a budget as he should have. Every year he has told us that he expects to present before us in the following year a balanced budget. That was the song of the Finance Member for years together. Last year to ameliorate the financial condition of the Bengal Government he came before this Council with five new taxation Bills and got them passed in the teeth of opposition in this House with the hope that in future he would be in a position to present a very satisfactory budget which would cover all the expenses necessary for running the administration. But we are very sorry to say that even with the income of the five new taxation Bills which were passed in the teeth of opposition by the House, he is unable to balance his budget. His budget is yet short by about half a crore of rupees. If my friend, the Finance Member, is unable to present a well-balanced budget even with the imposition of five new taxes, why does he stop short here? I would advise him to find out other avenues of taxation. There is still yet room left for him to tax the people of the villages. They are not yet done to death. They have yet life enough. Why do you not finish them off all at once? Tax them as heavily as you can until you can place before this Council a very satisfactory budget according to your liking. We do not know when the time will come when you will be in a position to place a satisfactory budget before this House. We on this side of the House cannot visualize the time when such a budget will be presented before this House, because you have not the mind to run the administration in a business-like way, you are not good managers, because you always incur expenditure more than your income and you do not cut your coat according to your cloth. When you know what your income is, why don't you keep your expenditure within that income? Why do you take loans from this and that body? You must live within your resources, but that you would never do. When such is the state of affairs at the present moment and when such a state of affairs is likely to be for all time to come, there is hardly any redeeming feature. It is said that there has been some improvement so far as the revenue of Bengal is concerned. What is this improvement after all? It is nothing that we could see; and even if you have the opportunity to present to us a budget which will leave at the year's end a good surplus, even that will be of no use to us; such a budget will assuredly be not to the benefit of the people at large. If you continue with your present taxation policy, if you explore other avenues of taxation and thereby find out more money for the purpose of balancing your budget, that will of course not be of any benefit to the people at large, because you will spend that money according to your own liking and not for the welfare of the people at large for whom the Government ought to live. You do not live for the people but for yourself, and that is why you cannot present a good budget. If you just give us the right to make a budget for you, if you give that choice to us, we will be able to adjust your budget in such a way that the whole country will be saved, but

I am sure that will not be done. So I say that even if you be in a position to present a balanced budget satisfactory from your point of view, that is nothing to us. You have an income of several crores of rupees, but how will that amount be spent? Certainly it will not be spent for the people. This year we have got an additional income of nearly a crore of rupees, but how have you managed to spend this? Have you ever thought of driving out illiteracy from the land? Have you tried to improve the irrigation of the country in a way which will be beneficial to the people at large? Have you provided for any scheme for the regeneration of the lost industries of the land? Nothing of the kind. So, what has after all your budget got to do with the people at large? If we go to the villages, we see how the people are managing themselves. The poor cultivators are half-fed, not properly clothed, and are waiting for better times to come year after year. As Dr. Sen Gupta has just pointed out, some legislation was passed in this Council to relieve the distress of the poor cultivators of the country, but the Act has not yet been brought into force and there is no knowing when, if ever, that Act will come into force. So, the people in the villages are not taking any interest in it whatsoever. The people who supply the sinews of the wealth of the province are dying out of starvation, but the Government is not at all solicitous about it. If you cannot solve the problem of unemployment with the five lakhs of rupees which has come to you as a windfall and thereby ease the abnormal situation that has been prevailing in the country, we do not know with how much more money you will be able to tackle this question successfully. We do not know what other sources are left on which you can lay your hands for raising funds to do work in connection with village reconstruction, co-operative movement and so forth. Now, one thing which I may just mention here is that the Hon'ble Member has said that there was an improvement so far as land revenue was concerned. No doubt an improvement there has been in this respect, but has the Hon'ble Member ever cared to enquire how that improvement has been effected? Land revenue has increased, that is to say, there have been more receipts under that head. But how? By what processes has the collection of rents been made from the *raiyats*? It has not been made, Sir, in the usual normal way. The Court of Wards have taken over the estates of many of the *zemindars* and by reason of the certificate procedure they have been ruining the people in the villages. They have by repressive methods been trying to realize the rents from the tenants and not by fair means. They know that cultivators are unable to pay rents, but still they are issuing certificate after certificate and in this way are putting the cultivators in trouble, so that in their dire distress they are selling whatever they have yet got in the shape of ornaments of their wives, their utensils, and other articles, to pay off the rents of their landlords. This is the way, Sir, in which land revenue——

(At this stage there was no quorum.)

Mr. PRESIDENT: As there is no quorum, I now adjourn the House till Monday, the 2nd March, 1936. Maulvi Sahib, you can continue your speech on that day.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 2nd March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 2nd March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 82 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of allegiance to the Crown:—

Mr. E. N. Blandy.

STARRED QUESTIONS

(to which oral answers were given)

Detenu Babu Kali Prasad Banerjee.

*24. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that Srijut Kali Prasad Banerjee was suffering from stomach, brain, heart and throat troubles;

(*ii*) that he lost 30 lbs. of his weight during his stay at the Alipore Presidency Jail and was therefore transferred to Ondal on medical grounds;

(*iii*) that at Ondal also he has lost 16 lbs. of his weight; and

(*iv*) that it has been suggested on medical grounds to keep him with his family?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, what arrangement, if any, have the Government so far made in this direction?

(*c*) Is the Hon'ble Member aware—

(*i*) that the allowance of Rs. 25 fixed at a time when commodities were cheap, has been found insufficient to meet the bare necessaries of life at the Ondal Railway colony;

(*ii*) that the detenu has had to meet his medical expenses out of this amount of Rs. 25 less a further deduction on one occasion of Rs. 5 for the damage of furniture; and

(*iii*) that the said damage was done by the people other than the detenu?

(*d*) Are the Government considering the desirability of interning him in Calcutta for better medical aid? If not, why not?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) The detenu has complained of pain in the head, throat and stomach.

(*ii*) The loss of weight was about 27 lbs., but he was certified as fit for transfer to village domicile at Ondal.

(*iii*) On the 20th January last it was found that he had lost about 11 lbs. more.

(*iv*) Yes.

(*b*) The proposal is under consideration.

(*c*) An allowance adequate to his needs has been granted after due enquiry. Government have no information about any damage to furniture.

(*d*) No.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state if the charge for medical treatment has been deducted from the allowance of Rs. 25?

The Hon'ble Sir ROBERT REID: Yes, Sir, this is so; but I may say he has been given an extra allowance, in order to keep his medical expenses.

Mr. P. BANERJI: Is it not a fact that out of this Rs. 25 the detenu has to pay Rs. 5 as a further deduction on account of the damage to furniture?

The Hon'ble Sir ROBERT REID: I would refer the Hon'ble Member to the answer in (*iv*)(*c*).

Mr. P. BANERJI: Will the Hon'ble Member be so good as to make an enquiry into the matter?

(No answer was given.)

Dr. AMULYA RATAN GHOSE: Is it not a sufficient cause of anxiety for a detenu's health when he has lost so many pounds of weight?

The Hon'ble Sir ROBERT REID: Enquiries will be made.

Mr. P. BANERJI: With reference to question (*c*) about adequate allowance, is the Hon'ble Member prepared to admit that Ondal being a railway colony and the railway staff bringing their foodstuffs mostly from Asansol, foodstuff at Ondal is not available in sufficient quantity and is in consequence very dear?

The Hon'ble Sir ROBERT REID: A proper enquiry was made into the local conditions before his allowance was decided on.

Mr. SHANTI SHEKHARESWAR RAY: Was any enquiry made by the Government of Bengal as regards the deduction on account of furniture?

The Hon'ble Sir ROBERT REID: I have said, Sir, that Government have no information.

Mr. SHANTI SHEKHARESWAR RAY: My question was that had the Government of Bengal made any enquiry about this matter on receipt of this question.

The Hon'ble Sir ROBERT REID: My answer is that we obtained no information on the subject.

Assessment of Taluk of Babu Jogesh Chandra Roy Chowdhury of Chittagong.

*25. **Haji BADI AHMED CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that Babu Jogesh Chandra Roy withdrew his appeals in the High Court which he filed for getting redress regarding high assessment of rent of the *chota* Sarma Nosabad Taluk No. 32814 in Chittagong during the last Revisional Survey;

(*ii*) that the said *taluk* being sold in Revenue sale and purchased by Government, the Khas Mahal Officer in his order, dated the 11th January, 1935, recommended re-settlement with Babu Jogesh Chandra Roy and the Additional Collector in charge approved the said proposal on 14th January, 1935;

(*iii*) that this order was subsequently cancelled by Mr. Morshed, I.C.S., on 29th January, 1935;

(*iv*) that Babu Jogesh Chandra Roy is now a ward of the Wards Department whose head is the Collector himself; and

(*v*) that the ward has been deprived of the proper care of the Department and has been made to suffer without any fault or negligence on his part?

(*b*) Is the Hon'ble Member also aware that Babu Jogesh Chandra Roy moved Mr. H. J. Twynam, I.C.S., the then Divisional Commissioner and that the Divisional Commissioner was pleased to recommend on 30th January, 1935, to the Board of Revenue to grant settlement with Babu Jogesh Chandra Roy on the following grounds, namely:—

(*i*) in view of the pressure brought to bear on the petitioner (Jogesh Chandra Roy) to withdraw his appeals in the High Court; and

(*ii*) that he is a ward of the Court and his ancestor has held this tenure for more than 100 years?

(*c*) Is it also a fact that the said learned Divisional Commissioner also observed that the assessment made during the last Revisional Survey was high and in case settlement be granted to Babu Jogesh Chandra Roy an enquiry should be held by the Collector through the Special Officer who is now dealing with the question of assessment of *noabad taluks* and that a report should be obtained from him as to the proper assessment of the *taluk*?

(*d*) Is the Hon'ble Member also aware that the Hon'ble Member to the Board of Revenue, without assigning any reason, has rejected the proposal and recommendation of the Divisional Commissioner and refused to grant resettlement?

(*e*) Have the Government any information as to why—

(*i*) the proposal approved by the Additional Collector in charge was cancelled by his successor Mr. Morshed, I.C.S.; and

(*ii*) why the recommendation of the Divisional Commissioner was rejected by the Hon'ble Member of the Board?

(*f*) Is the Hon'ble Member considering the desirability of reconsidering the matter and granting resettlement with Babu Jogesh Chandra Roy?

(*g*) Is the Hon'ble Member aware that Babu Jogesh Chandra Roy is a premier *zamindar* of the district and has been holding the *taluk* for more than 100 years from the time of his ancestors?

Mr. J. B. KINDERSLEY: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Yes, on 29th March, 1935.

(*iv*) Yes. His estate was taken charge of by the Court of Wards on 31st May, 1934.

(*v*) No. The *taluk* was sold for arrears of revenue on 3rd July, 1933, before the Court of Wards took charge.

(*b*) (*i*) and (*ii*) The Commissioner made a recommendation to this effect, but he had not understood that the withdrawal of the civil suits was a condition precedent to the Court of Wards taking charge of the remaining properties. There was no understanding that if the suits were withdrawn, the *taluk* would be resettled with Babu Jogesh Chandra Roy.

(*c*) Whether the assessment was too high or not is a matter of opinion. It was never the intention that the assessment of *taluks* already made *khas* should be investigated by the special staff.

(*d*) The Board of Revenue, for reasons recorded, decided that resettlement should not be made with the petitioner.

(*e*) Yes, because it was apparent that resettlement with the petitioner would be prejudicial to the tenants and would involve heavy loss of revenue to Government.

(*f*) and (*g*) No.

Haji BADI AHMED CHOWDHURY: Joges Babu's estate having been made over to the Court of Wards, the authority to settle the Chhanua Mahal vested in the Collector himself. Was not this opportunity exploited to oust Joges Babu from the *mahal*?

Mr. J. B. KINDERSLEY: It was stated in answer to question 5(*e*) that it would be prejudicial to the tenants.

Haji BADI AHMED CHOWDHURY: Whether or not this *mahal* is the biggest of all *mahals* within the estate of Jogesh Babu? Whether or not it contains more than 8,000 *bighas* of land?

Mr. J. B. KINDERSLEY: I have no information of that kind.

Haji BADI AHMED CHOWDHURY: The amount of revenue fixed for two of the big *mahals* of Joges Babu having been excessively heavy an appeal for the reduction of the amount had been filed in the High Court. Meanwhile, one of the *mahals* was sold by auction. But as it was afterwards proposed to take over the estate under the management of Court of Wards, did not the Board take over the estate on the understanding of having the suit withdrawn?

Mr. J. B. KINDERSLEY: I do not follow the question.

Haji BADI AHMED CHOWDHURY: That question is repeated again. Whether or not Government are taking possession of this *mahal* without reducing the revenue and without making it over to him? And whether Government have come to any decision about not returning the *mahal* to him?

Mr. J. B. KINDERSLEY: No, Sir.

Promotion of ministerial officers in the Secretariat.

***26. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether promotions within the ranks of the Upper Division clerks of the Bengal Secretariat are made upon the basis of any clearly enunciated principle? If so, what is such principle?

(*b*) Are such promotions made mainly upon the ground of seniority and length of service alone?

(*c*) Are educational qualifications taken at all into consideration in making such promotions?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) and (*b*) There is a rule on the subject, which lays down that promotions within the ranks of both the Upper and Lower Divisions will be regulated by seniority and merit combined, but that in the higher grades more importance will be attached to merit.

(*c*) The rule says nothing about taking into account of mere educational qualifications.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether educational qualifications are regarded as a form of element of merit?

The Hon'ble Sir JOHN WOODHEAD: Not when promotions are concerned.

Mr. NARENDRA KUMAR BASU: Is the word "mere" intended to be a "sneer"?

The Hon'ble Sir JOHN WOODHEAD: No, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Does the rule say anything about educational qualifications having a bearing on the question of promotion?

The Hon'ble Sir JOHN WOODHEAD: I do not think so. When it is a question of promotion, an officer is selected in view of his merit and seniority.

Maulvi ABUL QUASEM: Will the Hon'ble Member be pleased to state whether lower division assistants are allowed to act in the lower division selection grade posts in temporary vacancies?

The Hon'ble Sir JOHN WOODHEAD: That is a question which is not intelligible to me.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Speed for trains between Uttarbantra and Sheakhala.

8. MUNINDRA DEB RAI MAHASAI: (*a*) With reference to the reply given on the 16th December, 1935, to my starred question No. 36 (*a*), (*b*) and (*c*) and the Annual Inspection Report of the Senior Government Inspector of Railways for the year 1934-35, paragraph No. 6, issued on 22nd May, 1935, is the Hon'ble Minister in charge of the Public Works (Railways) Department considering the desirability of notifying that the sanction of speed up to 25 miles per hour for trains between Uttarbantra and Sheakhala is applicable to both day time and after dark by necessary amendment of the Notification No. 5R., of 13th December, 1935?

(*b*) If the answer to (*a*) is in the negative as far as the question of sanctioned increase of speed concerns trains after dark, what other steps, if any, are in the contemplation of the Government for removing the long-felt grievances of the long distant daily passengers?

MINISTER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Nawab Sir Mahiuddin Faroqui, of Ratanpur): (*a*) No.

(*b*) The increase of speed was sanctioned on the recommendation of the Senior Government Inspector of Railways and subject to the conditions imposed by him, one of which was that the increased speed would be allowed during daylight only. Government are therefore unable to take any further steps in this matter.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to state the reason why he should not take further steps in the matter in view of the fact that even day trains cause inconvenience for unusual delay?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, the Senior Inspector of Railways is of opinion that it is not safe to increase the speed to more than 25 miles an hour after dark.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Minister aware that in this particular line it takes 2½ hours to cover 16 miles?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Not that I am aware of.

Mr. P. BANERJI: Is the Hon'ble Minister aware that the speed even in daylight is less than 25 miles an hour?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is not our information. On the contrary, our information is that it is 25 miles an hour.

Mr. P. BANERJI: With reference to a question replied to by the Hon'ble Minister on the 16th December, 1925, will the Hon'ble Minister be pleased to state what further action has been taken by the Managing Agents when the matter was forwarded by Government for their consideration?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I cannot answer offhand; I must ask for notice.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to state why searchlights are not provided on this Railway so that the speed might be increased as is done on the East Indian and other Railways?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a matter for the Senior Government Railway Inspector to examine but practically our information is that there is a great risk in increasing the speed after dark.

Babu SATISH CHANDRA RAY CHOWDHURY: Is this a question within the province of the Hon'ble Minister to reply to, or is it not one for the Hon'ble the Finance Member to answer?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: This is really a feeder Railway, and the question is, therefore, dealt with in the transferred side of the Public Works Department.

Adjournment Motion.

Mr. P. BANERJI: Mr. President, Sir, I tabled an adjournment motion but this question, I find, has not yet been replied to. May I know the position of my adjournment motion?

Mr. PRESIDENT: That is not a point of order, and you cannot raise a point of order on that question but, if you come to my room, I shall tell you how the matter stands.

GENERAL DISCUSSION OF THE BUDGET.

Kazi EMDADUL HOQUE: Sir, I was explaining to the House the other day that in order to make up a deficit budget, our Government had to do a good deal of things of an exacting nature. So far as land revenue is concerned, Government had practically given goodbye to the usual practice of realising rents from the tenants and had resorted to certain procedure which has been followed with vengeance upon the tenants. Government are fully aware that the cultivators are in dire distress and that they cannot realise full prices for the commodities they produce and so cannot make payments of rents but that did not weigh with them. Government should not have restored 5 and 10 per cent. cut when they could not meet both ends. They can make a good deal of saving if they deny themselves a little of their luxury of the hill exodus. When the Britishers came to rule over India it was fondly cherished that they would bring good government, peace and prosperity to the country. May I ask in all seriousness whether, after 170 or 180 years of British rule in India, our Government have been able to bring peace, prosperity and contentment, whether they have been able to free this country from communal fueds, communal riots and internecine quarrels, whether they have been able to banish illiteracy to a certain extent at any rate and last though not least, whether under British rule the intensity of communal jealousies and communal hatred is far more widespread now than what it was before the advent of Britishers in this country? In view of the existing glaring facts, the Britishers have failed to discharge

their duties fairly and squarely. They have proved their incompetency and unworthiness to hold sway any longer over the people of India. They should now admit in clear terms that they are unfit to hold sway over India and ask the Indian people to take charge of the administration of Government.

(The hon'ble member, having reached the time-limit, had to resume his seat.)

Mr. W. H. THOMPSON: This is the spring all over the world, and this is the season in which budgets come out. But I think, Sir, that of all the bevy of budgets that have appeared in India in the last few days little Cinderella of Bengal has made a better impression at the Ball than any of them. First, we had that wretched Railway budget. The real reason why railway receipts have not gone up has been the strangulation of commercial and industrial enterprise by taxation. The enormous import duties have stopped goods coming in and there has been less for the railways to distribute from the ports. Fewer imports mean fewer exports, and the railways have had less to take down to ports for shipment, while income-tax has discouraged all commercial or industrial enterprise. I may be a small-minded person but I feel a sort of satisfaction that through the railways the Government of India has been made to feel a little of the hardship it has brought upon other people. But there is a much more serious omen in this Railway budget. The policy is to expropriate commercial concerns from the railways that they have built up, and it does look as if the result of this will be that in the end railways of India will be run at the expense of the tax-payer and badly run at that. While I am on the subject of railways may I ask, Sir, have you ever seen a train go over the Bally Bridge? And may I ask the Government of Bengal how they came to give their blessing to the project of a bridge over the Meghna from Bhairab to Ashugunj? The Chamber of Commerce protested against it and gave good reasons for doing so. It will cost Rs. 60 lakhs. Think what we could do with it in Bengal if we had an extra 60 lakhs to spend.

After the Railway budget, there came the several provincial budgets. The Ugly Sisters of whom the Cinderella has been so jealous, Madras and Bombay, appeared in their usual affluence, but they made not much of a show, and several of the other provinces made a very poor show indeed, while little Cinderella usually smeared in dust and ashes nearly balanced, for which we must congratulate the Fairy God-mother of the Treasury Bench. We know that a very useful wand in his hand was the remission of one-half of the jute tax. What would have been the position if we had not had that remission, it is too horrible to contemplate, but Sir John has helped things out with his

North-country astuteness, and more by his great courage, not only in facing the departments but also in facing this House with his taxation measures.

We know, Sir, that he has done what he has done by meting out no more than a mere subsistence allowance to the starving departments. If we do not get a just financial settlement for this province, when the clock strikes twelve, little Cinderalla will find herself back in her chimney corner again.

As regards Sir John's budget, I would like to touch on one or two points in regard to receipts. We shall be discussing expenditure later in the month. I do not like the reduction in the budget estimate for land revenue receipts to Rs. 10 lakhs below the revised estimates, and if the Revenue Member who is absent to-day contemplates sacrificing more of the Land Revenue for the sake of encumbered estates, we in this Group will not stand for it. We are a little afraid of the placing of the estimate for Stamps at a figure higher than that in the Revised Estimate. During last session we passed in this Council two Bills which will certainly tend to reduce the amount of litigation. The Debt Conciliation Boards when established, will, and it is intended that they shall, draw a number of cases away from Civil Courts, and the moratorium in favour of the Court of Wards will operate in the same direction, although not to the same extent. We are not very happy in regard to the Excise revenue. How can we be, Sir, when it has been disclosed that there was illicit distillation going on on a very large scale in Ballygunge right under the noses of the Excise Department and the Police. Perhaps the Hon'ble the Finance Member will give us some idea as to how much revenue Government lost by that. Sir, the Excise Department must have known what quantities of foreign liquor were being taken out of bond. They must have known that something of this sort was going on and going on for a long time. Has the matter been thoroughly investigated from that point of view? Then, Sir, in regard to the new taxation, we in this group have already had Mr. Homan on the mat for estimating 10 lakhs as receipt from the Electricity duty, whereas it has turned out, according to Government's estimate, to be 14½ lakhs. This rascal now tells us that the receipts for a full year will not be less than Rs. 15 lakhs from Calcutta alone and there are the receipts from the *mufassal* concerns to be added. I have it from some of these that they have been somewhat seriously affected by the new tax. Their rates are necessarily somewhat high and there seems to be no doubt that the addition to their ordinary charges which has been made by this taxation has seriously affected their development. It appears, Sir, that the new taxation is going to yield something like Rs. 30 lakhs and I must emphasize what I emphasized when the 5 taxation Bills were

before the House that practically all the new taxation falls in Calcutta and that rural areas in general and the landlords in particular have subscribed nothing.

Sir, the last budget to appear has been the Government of India's budget, the Prince coming to the Ball. But he turns out to be not a true Prince but a mere principal boy, some skinny woman dressed up who plays to the gallery with her doles for rural uplift. A third of the surcharge on income-tax still remains although Government servants got back the whole of their pay cut a year ago. The level from which the super-tax starts still remains at its lower figure, and apprarently there is no intention at all of reducing the surcharges on customs duties. Customs duties in this country have been imposed partly for purposes of revenue and partly they are protective duties, but whichever may have been their origin, the surcharges are imposed upon them. On behalf of this side of India and against the Bombay side, I must point out to you that a surcharge on a protective duty merely results in over-protection. Protection is given on a scale which was never either justified or intended and we on this side of India, who are generally speaking consumers, are the people who pay. The leading newspaper in Calcutta, the "Statesman", acclaimed the budget, but I do not think that it has really expressed Calcutta's opinion. But perhaps what we think of the budget does not matter so much as what Sir Otto Niemeyer thinks of it; and what can he think of it? We in Bengal have three separate claims which have been admitted just and right. We claim the whole of the jute duty. We claim a share of the income-tax and we claim that there should be an adjustment of our debts to the Government of India which have accumulated as the result of the unfair treatment which we received under the Meston Award. We have had half the jute tax, and not the whole and it appears that the Government of India requires not only the whole of the income-tax but a surcharge of one-twelvth on the top of it to meet its own expenditure. What hope is there that it will be able to spare more for us? But, Sir, we must and will have our rights and if it cannot be managed by an adjustment between the Centre and ourselves, then there must be a re-adjustment between the Centre and those other provinces which have had an unfair advantage over us all these years. The Centre must take more from Bombay, Madras and the rest and use it to do justice to us. We are only claiming what is ours by right. We do not want little doles for rural uplift. We can manage our own affairs perfectly well, rural uplift included, if we are only given our just dues.

Mr. NARENDRA KUMAR BASU: In speaking on the budget that has been presented to the Council, my first words must be one of congratulation to the Hon'ble the Finance Member for the very lucid

speech that he made before the Council and by which he succeeded in making the figures interesting. Sir, I am not on this occasion going to criticise the proposals that he has made about the expenditure for the next year. As has been pointed out by Mr. Thompson, the criticisms on expenditure will come up later in the month, but there are one or two things which have been omitted from this speech, which I want to criticise now. Sir, on page 3 of his speech, the Hon'ble Finance Member was pleased to say as follows:—

> "The standard of expenditure in Bengal has always been low, and an examination we made recently of expenditure in several provinces has brought out in strong relief how unfavourably the standard in Bengal in many and important spheres of activity compares with that in certain other major provinces. The standard in Bengal is one of the lowest in India."

My grievance is that these figures have not been made available to the Council, because as far as I know, ever since the publication of the second part of the Simon Commission Report, we have not had figures relating to the different provinces in India. As the House will remember in Sir William Layton's Report, it was pointed out that in 1928-29—I am taking only the major provinces—whereas the gross collections of Madras were 25,20 lakhs, Madras was allowed to have 17,53 lakhs for its own provincial purposes; Bombay with its collections of 40,06 lakhs had 15,22; the United Provinces with gross collections of 15,67 were allowed 11,45 lakhs but poor Bengal with her 37,74 lakhs had to remain content with 10,97 lakhs. Sir, as has been pointed out in the speech of the Hon'ble the Finance Member, the position of Bengal has grown worse and worse since 1928-29. In 1932-33, the income of Bengal on the revenue budget was 9,38 lakhs. In 1933-34, it went down 9,05; in 1934-35, it came up to 9,44 lakhs plus 1,58 from the share of the jute tax. In 1935-36, it is only 9,69 plus 1,73 lakhs from jute tax; and according to the new budget, the revenue earnings of Bengal in 1936-37 will be 9,79 to which if you add 1,70 lakhs as the estimated figure for Bengal's share of the jute tax, you will get Rs. 11,49 lakhs for the whole province. The result is what might have been expected; the expenditure per capita on the departments which really serve the people is the lowest in Bengal. Members will remember that in Layton's report based on the budget of 1929-30 it was pointed out that so far as Education, Medical and Public Health were concerned, the per capita expenditure in Madras was ·94 of the rupee, in Bombay 1·5 rupee, in the United Provinces, ·56 rupee whereas in Bengal it was ·49 rupee, that is less than eight annas, and the total expenditure for transferred subjects in those provinces was: in Madras, 7,63 lakhs, in Bombay, 5,67 lakhs, in the United Provinces, 3,88 lakhs and in Bengal, 4·04 lakhs; and, Sir, the picture according to next year's budget is worse still. As far as I can make out from the budget which

has been presented by Sir John Woodhead, the per capita expenditure on Education will be ·26 rupee, on Medical and Public Health ·17, that is to say, ·43 for Education, Medical and Public Health. And the total expenditure on transferred subjects will be 3,89 lakhs, even less than the expenditure in 1929-30. This has been made not only possible but, as far as I can make out, this has been forced upon the Government of Bengal because of the three things that Mr. Thompson has pointed out—the absence from the provincial coffers of the jute tax and of income-tax and the presence on the horizon of the Meston Award about which no adjectives are necessary. Sir John Woodhead in his speech has said that there is no hope of any satisfactory financial readjustment until we have obtained an equitable financial settlement which will render possible the development of the more beneficial activities of the Government beyond the present inadequate standard. Sir, my complaint is that though in the last paragraph of his speech he has said that he has discussed the whole matter with Sir Otto Niemeyer and has given that financial authority figures as well as arguments—and I have no doubt that he has done that very effectively —my grievance is that he has not taken the Council wholly into his confidence and given us at least some of the major heads of the figures as well as of arguments supplied to Sir Otto Niemeyer. Sir, in the words of Sir Robert Reid, this is a moribund Government, and the moribund Government has tried by its budget to take on the moribund province to the next year to make it over to their successors, but I ask what steps have they taken to revive the patient before they make it over to the new consultants. It is no consolation that under the new constitution Bengal will be handed over to the popular representatives. As I have already said, Sir, unless there are funds made available to the province not only to carry on from hand to mouth as she has done for several years now, unless the funds which belong to Bengal are not taken out for the purposes of other and newer provinces, Bengal is sure to die. As I have said, there has been a great deal of blood-letting from Bengal, and we have been seeing for many years this spectacle of the transfusion of Bengal's blood into other provinces, existing and non-existing: Bengal's money is to be treated as the money of everybody else in India excepting Bengal. I submit, Sir, that is a point of view which no one in Bengal, in this House or outside can agree to. I want to know from Sir John Woodhead what are the steps that he has taken in order to see that Bengal is not treated in this fashion any longer. As I have already said, if the province is to live, apart from her growth, she must have more money, and she must have back a part of the money of which she has been unjustly deprived. Why half of the jute tax? We want the whole of it. What about the income-tax? Why should it be taken away from us? Why should Bengal be in the position of raising revenue to the extent of four thousand lakhs and only have a mere nine hundred lakhs left for her own needs. I submit, it is grossly unjust. It is known to everybody and it has

been acknowledged by everybody on several instances that Bengal's wants are not looked at, nor are her demands ever met by a straight answer. I want Sir John Woodhead to let us know what he is doing and what he has done for seeing that Bengal has her due.

Babu JATINDRA NATH BASU: I join in the demand that has been voiced by the previous speakers about the manner in which Bengal has been treated as regards the allocation to her of adequate financial resources. Ever since the inauguration of the Montagu Reforms it was apparent to every one, as I believe it ought to have been apparent to Lord Meston, that the sources assigned to Bengal for her income were not elastic and growing sources. There was an element of inelasticity about them. The result was that we were left with resources which we were likely to dwindle instead of there being a progressive tendency in them. In fact our experience during past years has shown that we have gone down, because of the going down in value of those agricultural commodities which happen to be our main stay. Sir, we think we cannot stay where we are and we must go on pressing for allocation to us of larger resources. Mr. Thompson has asked for the whole of the jute export duty. We say that it is a demand which has every element of fairness and justice in it. It is a demand that ought to be acceded to.

Then there is the question of the allocation of a substantial part of the income-tax. The people of the province work and work strenuously to earn. If they find that the earners and those about them who live in the province are not to derive any benefit, except the far away benefit that are supposed to come from the Centre from those taxes, they cannot be satisfied; and such a state of things cannot but give rise to the keenest dissatisfaction. Sir, about those sources of revenue there is no doubt, and I believe that argument has not been urged on the part of those that have contested the claim of Bengal to these sources of revenue that the claim is founded on justice. Sir, but about these sources which we ask for and for which, as Mr. Thompson pointed out, a firm stand has been taken by Sir John Anderson, we have been given half of the jute export duty. We expect that as years go on and we persist in our demand, we shall have fair play in the matter of our finances, so far as it can be given to us from the Centre in spite of the opposition from the Centre and from the other provinces. But apart from that, the time has come when the administrative machinery should be so adjusted as to fit in with our financial resources. That question is not a new one. It was a question that ought to have been considered carefully by Government shortly after the introduction of the Montagu System. Sir, we laid down a standard of staff and of remuneration which took away from our capacity to do any work for progress, be it education or public health, or be it agriculture or

economic advancement of the province. It has been repeatedly pointed out, and I believe there is a considerable amount of truth in the contention, that if the ground had not been prepared by the way, Bengal has been starved in the way that she has been, the elements of disturbance like the various movements of disruption would not have taken root in the way that they have done. If normal facilities had been placed at the disposal of this province for normal development of the people or for affording them chance to get on in life, then the difficulties which we have been facing for some time past would not have been met on that wide scale which unfortunately it has assumed. It is time, that the budget gave an indication as to the recasting of the present system of administration. The Government, so far as lean years are concerned, and there have been many of them, have depended on the loans from the Centre; but if for ordinary expenditure we have to balance the estimates by borrowing, it is a kind of finance I believe which would accentuate the difficulties in which we find ourselves placed. A broad outlook and a sympathetic outlook, a close examination not only of our present circumstances but of the circumstances which extend to the years that confront us would probably have been more useful as a beacon light to those that will come hereafter to administer the affairs of this province. It may be said that we have no lead in the present budget and in the budgets of past years as to what the future administration is to do with its unbalanced accounts of the past and with its heavy load of administrative machinery, to go on trying to raise the standard of living of the vast mass of our population. It ought to have been clear to Government that that is an element which is near to the heart of the people; they see their dear and near ones, their neighbours and their co-villagers decimated by diseases which are preventible, and the steps that Government take, though they are useful, though there has been a certain amount of progressiveness in them, are so hopelessly inadequate that the Government would not have stayed where they are in any other civilised country. With conditions like what I have pointed out, it is no wonder that we have political difficulties; but if we create the field in which these political difficulties grow, then we deliberately overlook the path where our duty lies. Sir, if the amount that has been spent on departments which do not touch the life of the people directly, had been spent on work aiming at raising their standard of life, giving them facilities for medical treatment, ensuring healthier conditions of living, and showing them as to how they can increase their economic resources, then you might have prevented them from suffering all these miseries. They live under conditions in which even dogs in other countries do not live. They have, practically, no medical treatment in many cases. The mass of the people, if you talk to them, will tell you that they do not feel interested about the energies that you display and the money that you spend in grappling with political disturbances. They will say:

"Situated as we are, we have to live in the midst of the ravages of malaria, kala-azar, and cholera: we have to starve: we have to sleep in hovels which are not fit for human beings. It does not matter to us that there are political difficulties; for in our position such political difficulties are a kind of endemic disease which will continue if circumstances like these continue." That is a point of view which requires courage to deal with and which requires an amount of creative mentality. And energy is required to twist the administration, mould it and lift it to a higher plane so as to bring joy to the people. That is what is required, that is what is wanted. But what has been continued is the beating of time. You read the budget, and year after year you will find that it is merely a beating of time, and practically nothing creative. Sir, that is the kind of thing that has been taking place. I wish, Sir, that in the little while that is still left to us before the new system of government comes into being, the administration will display tendencies which will give a real guidance to those that will follow and like a prodigal father not leave them with debts to pay, and properties, which have been attached or houses that are tumbling down, requiring a very considerable amount of effort and resource to keep their heads above water.

Mr. CHARLES GRIFFITHS: Sir, In reviewing the budget presented for the year 1936-37, the first thought that struck me is that the Hon'ble Sir John Woodhead, the Finance Member, must be congratulated in balancing his Revenue and Expenditure Account and on behalf of my community and myself, I offer him our congratulations. I find the estimate of Receipts stands at Rs. 12 crores 48¼ lakhs and that of Expenditure at 13 crores, disclosing a deficit of Rs. 51¾ lakhs which will be met out of the opening balance of Rs. 12½ lakhs and by an overdraft for Rs. 39¼ lakhs from the Government of India. We are further assured that at the enquiry precedent to the inauguration of the New Constitution the financial arrangements between the future autonomous province of Bengal and the Central Government have been so thoroughly discussed as to create hopes of a final settlement which will enable the Government of the future to maintain a satisfactory standard of administration and with this assurance we feel that bright and happy days are in store for the Province to which we have the honour to belong and the privilege to serve.

Among the major items I see that though provision is made under the head "Police" for an expenditure amounting to more than one-sixth of the total under all the other heads, yet the actual increase on the expenditure of the previous year is not very marked. If this represents the cost of keeping the menace of terrorism under control, it is a matter of congratulation that the position is not worse. No price is too high to pay for the proper maintenance of law and order. It is gratifying to find that liberal provision has been made for

"Education" and more towards "Civil Works", but it is to be regretted that while expenditure under the heads Medical, Public Health, Agriculture and Industries remains practically stationary, the demand under "General Administration" involves an additional expenditure of as much as Rs. 7½ lakhs.

"Better times ahead" is what is foreshadowed in the speech of the Hon'ble Member, and on such a premise I feel it incumbent on me as representing the interests of my community, to remind you of what my people have gone through in the lean years of the past, that you may better remember them in the fat years of the future.

During the four years of acute trade depression from 1930-31 to 1933-34 when revenue fell by nearly two crores per year, the axe was set to work, retrenchment was the order of the day, and recruitment was stopped. No community was harder hit by these measures than my own. In one fell stroke the senior men were thus doomed for all time, while the youth of that day, in spite of their better educational qualifications, found themselves marooned; the doors to the public services which their forebears loyally helped to maintain was definitely closed against them. With the revival of trade, and the advent of more prosperous times, there has arisen the need for re-employment, but my people having once been driven out of the services find it impossible to gain readmission since in the altered conditions of the present day their claims have been ruthlessly sacrificed and subordinated, for one reason or another, to those of other communities, more from expediency than from a sense of proportion or justice. Though we are approaching more prosperous times the position into which my community was thrown remains unchanged. We are still wallowing in the slough of despond, with very little hope of ever getting out of it in the present mentality of Government and I make the appeal for an extending hand of co-operation to help us in this our time of great need.

(Adjournment.)

Mr. PRESIDENT: I would now adjourn the Council. It may be that this adjournment will be half an hour longer than what is usual; but if need be, we shall sit right up to 7-30 o'clock.

The Council stands adjourned to 5 p.m.

Mr. S. M. BOSE: While paying my tribute of praise to the Hon'ble Finance Member, may I express my hope that this will not be his last budget? The field for survey is vast, but I shall confine my observations chiefly to the problem of problems discussed by the Hon'ble Member in paragraph 13 of his speech, dealing with the question of financial enquiry by Sir Otto Niemeyer. We all by this time are familiar with the fact—now admitted on all hands—of the

grave financial injustice done to Bengal for so many years following the Meston Committee Report. In moving the Special Resolution for the consideration of the Report of the Joint Parliamentary Committee on the 18th December, 1934, I pointed out that, in addition to this inequitable Award, Bengal has suffered from the unjust deprivation of her legitimate revenue from income-tax and of the whole of the export duty on jute. Bengal's demand was that the income-tax raised in Bengal should be in the main returned to her and the whole of the export duty on jute from 1916 should have been given to her. The past injustice has led to the result that Bengal has had to incur a debt of over 490 lakhs advanced by the Government of India. The justice of the claim is now admitted in the Joint Parliamentary Committee Report and in the Government of India Act itself. In the former (paragraphs 250-52), it was proposed that of the normal taxes on income, a specified percentage is to be assigned to Bengal, this percentage being fixed by Order in Council at the last possible moment —being not more than 50 per cent. (though the White Paper in paragraph 139 had recommended not less than 50 and not more than 75 per cent.). And out of the sum so assigned to Bengal, the Federal Government was to be entitled to retain for some time an amount for Federal expenses, the sum so retained to be annually diminished after some years, till it becomes zero. The Joint Parliamentary Committee recommend that the period of such retention by the Federation is to be determined by Order in Council, and not to be a fixed one as recommended in the White Paper (see paragraph 252, Joint Parliamentary Committee Report). This recommendation has been altered in section 138 of the Government of India Act in two ways: (1) the percentage of the net proceeds of taxes on income originally prescribed as the share of a Province is not to be increased subsequently and (2) the periods originally prescribed for which a prescribed portion of this amount may be retained by the Centre are not to be reduced subsequently. This, it may be incidentally remarked, makes the case of Bengal worse as the amount of its share of the income-tax is to be fixed once for all, and the period of retention by the Centre of a portion of its dues cannot be reduced, though the needs of the Centre, *e.g.*, to give subvention to the deficit Provinces, may become less after some years. Then, as regards the jute duty, it is proposed in paragraph 260 of the Report of the Joint Parliamentary Committee that at least one half of this duty should be assigned to the jute-growing provinces; and section 141 (*2*) of the Act provides that one-half, or such greater proportion as His Majesty may by Order in Council determine, is to be assigned to such provinces in proportion to the amounts of jute grown therein. Now I wish to make certain observations on these provisions. First, Assam and the three new Provinces created after the Simon Commission Report—referred to as the deficit Provinces in the Report of the Joint Parliamentary Committee—will

to a large extent have to be financed by subventions from the Federation. The North-West Frontier Provinces are to get one crore annually, Sind 75 lakhs (thus relieving Bombay of 65 lakhs—a subvention to Bombay), and Orissa 30 lakhs (relieving Bihar of 15 lakhs). See paragraphs 259, 268 and 269. Now all these subventions will necessarily mean that a great deal of the proceeds of the income-tax and of the jute duty will be absorbed for the purpose, leaving but little to be given to Bengal. The Joint Parliamentary Committee in paragraph 252 of their Report tactfully refer to this contingency in the following words:—"The facts discussed below indicate that for some time to come the Centre is unlikely to be able to do much more than find the funds necessary for the deficit Provinces; and that an early distribution of any substantial part of the taxes on income is improbable." Further, as I pointed out in my speech on the Report of the Joint Parliamentary Committee, these deficit provinces are bound to ask for a High Court and a University; and if the Federal Government in response to a natural clamour in these provinces, grant them more for these purposes, it will mean that the legitimate share of Bengal to a large portion of income-tax and its claim to the whole of the jute duty will not be paid. This is a very real danger. We are already hearing of the clamour of Assam, one of the deficit Provinces mentioned in paragraph 259 of the Report of the Joint Parliamentary Committee, for a High Court and for a University of its own—a province with less income than that of the Calcutta Corporation —a province which with Orissa are the two provinces which will at no time be able to balance revenue and expenditure, and will have for all times to be given a subvention. From the speech of the Finance Member at Delhi on the 28th February last, it appears that it is proposed to grant from the Central budget a subvention of 108 lakhs to Sind (in place of 75 lakh mentioned by the Joint Parliamentary Committee in paragraph 268), besides a special subsidy of 17½ lakhs for buildings; a subvention of 50 lakhs to Orissa (in place of 30 lakhs mentioned in paragraph 269, Joint Parliamentary Committee Report), besides a special subsidy of 27½ lakhs for buildings. It will thus be seen that the figures for subventions to the deficit provinces are already being greatly exceeded. The inevitable result will be that the sum to be allocated to Bengal for income-tax and jute duty will be greatly affected. The grants in aid to these deficit provinces may be increased by subsequent Orders in Council, after a prayer by the Federal Legislature, under section 142 of the Act. It is true that under proviso to sections 138 (*1*) and (*2*), the sum to be allocated for income-tax receipts to a Province cannot be subsequently reduced nor can the share to be retained therefrom by the Federation be increased; but Bengal's share of the jute duty under section 140 (*2*) may be varied by Order in Council by subsequent Orders in Council —there is no bar as to this, as there is in the case of income-tax

proceeds. I am afraid lest clamour from deficit provinces for luxuries like a High Court and a University, for which money must necessarily come from the Federation, may greatly jeopardise the interest of Bengal. Bengal therefore has the right to demand that the subventions to the deficit provinces should be based on their past budgets, and that any increase in subventions ought not to be made without consulting Bengal and the other Provinces indirectly but vitally affected. The admitted claims of Bengal in these two respects—a large share of the proceeds of taxes on income, and the whole of the jute duty—should be strongly pressed on the authorities by the Government and the people of Bengal. Then I draw attention to another important matter. The Hon'ble Member in paragraph 4 of his speech, has said truly and succintly "The standard of expenditure in Bengal has always been low, and an examination we made recently of expenditure in several provinces has brought out in strong relief how unfavourably the standard in Bengal in many and important spheres of activity compares with that in certain other major provinces. The standard in Bengal is one of the lowest in India; and our financial position will not be satisfactory until funds are available for a considerable improvement in that standard of expenditure, until, as I have so repeatedly said, we have obtained an equitable financial settlement which will render possible the development of the more beneficial activities of Government beyond the present inadequate standard." These words deserve to be written in letters of gold on the desk of every public man in Bengal. On this subject we all are at one, without distinction of caste or creed or party. I feel sure that as regards education, our expenditure is the lowest of any major province. Then we must have more money for Medical and Public Health; the amount allotted is quite insufficient. We demand as our right that the miserable standard of expenditure in Bengal should be materially raised for the development of the nation-building activities, which Sir John calls "the more beneficial activities of Government." I have not the time to dwell upon matters dealt with in the budget. But, may I, Sir, be permitted just to say one word about the Police budget? I am glad to find that the Revised Budget for 1935-36 is smaller than the original budget. The revised figures for extra expenditure for dealing with terrorist activities is 3 lakhs less than the Budget Estimates. I am particularly pleased at this. On the 23rd March, 1935, Hon'ble Mr. Reid as he then was, in moving the demand for the Police grant explained the increase of over 7 lakhs in the estimates for 1935-36 over the actuals for 1933-34 as being largely due to the temporary forces which had to be engaged to counteract the terrorist movement. I moved for a reduction of the grant and said that temporary men have a tendency to increase in number, and that temporary men, like temporary measures, tend be become permanent; and I appealed to him to be very careful before

he permits any extra expenditure and I trusted that he would be able to inform the House in March, 1936, that he has been able to economise.

I welcome the training scheme for detenus and am glad to find considerable progress made. The five training centres started will, I feel sure, do a great deal of good and give the detenus a fair start in life.

Lastly, I congratulate Hon'ble Minister for Medical and Public Health for improving the Tuberculosis and Diphtheria Ward in the Medical College and for giving a grant for anti-leprosy clinic in the Bankura district and for an increased grant of Rs. 79,000 over the Revised Budget this year for Medical. The Hon'ble Member for Industries is to be congratulated for a provision of rupees one lakh ten thousand for additional staff in the Co-operative Department and we find from the Central Budget speech at Delhi on the 28th February last that he is going to get a large grant for rural uplift.

I close by reiterating the demand made by Hon'ble Member, Finance.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I feel that I can very well congratulate the Hon'ble Finance Member and ourselves for the budget which he has presented, not because the budget discloses a very satisfactory position, but because it might have been worse. On a cursory examination of the budget items one feels that more or less a policy of drift has been followed and this policy of course necessarily has to be followed considering that we are expecting the Reforms next year. There are no features of the budget which require any particular criticism. I must admit that the Hon'ble Finance Member has prepared a budget which I do not think could have been improved upon. Even if I had prepared it I do not think I could improve upon it (Laughter).

I rise to speak not so much on the budget itself but on what we are more concerned with, namely our future, and with regard to that also there is nothing new which I propose to speak except to add my support to what has been already said by Mr. Thompson and Mr. Narendra Kumar Basu. Our expenditure in Bengal is less than the expenditure on any other province of India, as has been pointed by the Hon'ble Finance Member himself, and that must be so, because our resources also are much less, not due to ourselves but to the injustice that has been done by the Meston Award. We cannot urge with greater emphasis than has already been urged not only this year but for many years past, the resettlement or readjustment of the Meston Award, and I have no doubt that Sir John Woodhead will continue to fight as he has fought, to have it altered. We wish that the Government of India had not the surplus which they have had. We do not want to get the paltry relief for the rural uplift, etc., but

rather our legitimate due, namely, the entire jute tax. The entire jute tax should be made over to us. Even if the Government of India would not see its way to give a portion of their income-tax. Whatever happens, whoever might be the Finance Minister in the next government I do not think that he will be able to do anything more satisfactory to us than has been done now, because our ordinary expenditure has now come to stay round about Rs. 12 crores or rather a little more than 12 crores, and it is not possible to increase our income as we have already exhausted all the sources of revenue including a tobacco tax. Therefore unless the Government of India does us the justice which is our due and unless we get back our jute tax I do not see how our future Government will be able to manage its existence. Everybody says that a democratic form of government is more expensive than other form of government. If that be so, there is no room for any extra expenditure than we are incurring at the present moment. As I have submitted, with our expenditure of no less than 12 crores which is perhaps the average, and it is not possible to increase our revenue, I do not see how the future Government will be able to do things in the nation building departments for which we have been crying hoarse for many years. Therefore I add all the weight of which I am capable of to the remarks of Mr. Thompson and Mr. Narendra Kumar Basu to bring before the Government of India our needs, our demand for the jute tax, and our demand for a resettlement or readjustment of the Meston Award, and if possible our share of the income-tax.

Maulvi TAMIZUDDIN KHAN: I do not feel as happy as Mr. Thompson over the budget. On the other hand I think that the budget that was introduced by the Hon'ble Sir John Woodhead on the 24th of the last month is the most colourless budget that he has ever produced. There is nothing in it to attract the eye, there is nothing to excite any interest or to feel gratified or exulted over except the fact that there are indications that perhaps the economic depression is on its last legs. He thinks that it will be probably his last budget, but with Mr. S. M. Bose I also expect that it will not be his last budget. I sincerely wish that before he lays down the reins of his high office, he will be in a position to give the Province, which he has served with a devotion, ability almost unsurpassed in the annals of the Civil Service in Bengal, a budget that will inspire Bengal with a new hope, that will dispel the darkness of despair.

For the last few years we have been laying all blame at the door of the economic depression and the inequitable financial settlement. As regards the economic depression the Hon'ble Member has assured us that we have crossed the bottom of the pit and that we are climbing slowly up the other side and if our best expectations are fulfilled our heads will be above water within a few years. As regards the financial

settlement, we are thankful to our Government for the strenuous and persistent advocacy of our cause before the authorities concerned, and it is very gratifying to note that no stone has been left unturned to acquaint Sir Otto Niemeyer with all the details of our case and I hope, Sir, that justice will be done to our cause, because our cause itself is just and our claims are unanswerable. But, Sir, supposing that the clouds of the depression will be soon lifted and that financial justice will be done to Bengal with the inauguration of the new constitution, "what next," is the question that naturally arises in my mind. Will that place Bengal in a position to fulfil her best aspirations for growth and development? Will that alone enable the future Government of the province to maintain, a fairly adequate standard of administration as the Hon'ble Member expects? I think it is extremely difficult to give an affirmative answer to questions like these. Sir, what are the most outstanding questions that confront us to-day? As far as development by administrative action in the provincial sphere is concerned, I think that the most outstanding problems are that of education, irrigation and, if I may say so, industrialisation. No one can visualise the growth of a Bengali nation in the proper sense of the term without first of all banishing illiteracy from the land, and that pre-supposes that there should be free and compulsory education, at least in the primary stages. If our Government are left only with its ordinary resources, will it ever be in a position to undertake a task like this? That is the question that I ask the present members of the Government. Again, as regards irrigation,—I have used the term in a very comprehensive sense, I would include in it the resuscitation of the dead and dying rivers of the province,—this gigantic but indispensable task can never be undertaken with the ordinary resources of the Government, even if financial justice is done to Bengal as we expect. As regards industrialisation, the less said about it the better. Of course it is gratifying to note that our Government is making very laudable efforts to give effect to certain minor schemes. But till now, no comprehensive scheme of industrialisation has either been prepared or thought of. That being so, all our enthusiasm for the coming reforms seems to be ill-founded.

Now, some of the members, and even to-day our leader, Khan Bahadur Abdul Momin, referred to the policy of the Government. The policy of our Government is one of drift and opportunism based on dilatoriness. If the monotony of this policy of inaction is ever broken, we find our Government is following the wise but obnoxious policy of the Bengal housewife of "frying the fish with its own oil." It is in pursuance of this policy that Government intends to introduce free and compulsory primary education in the province by taxing the people. Again, in pursuance of the same policy Government also expect to be able to resuscitate the dead and dying rivers of the province and to replenish itself for the cost incurred by levying a cess upon the

people who will be benefited by particular measures of improvement. Although our Government have adopted in principle the policy of the village housewife having embodied it in the statute book in the Primary Education Act and the Bengal Development Act, I do not think they have as much courage as the village housewife, for after having recognised the principle, the Government seem to be afraid of giving effect to it. So far as the Primary Education Act is concerned, I have a suspicion that it has been shelved once for all. The other day when Nawab Musharruf Hossain raised that question he was confronted with a counter question by the Hon'ble Minister as to whether he was ready to allow the Act to be enforced in his own district. Nawab Musharruf Hossain fought shy and did not accept that challenge. I think I am not in the same position as Nawab Musharruf Hossain. I would rather want the Hon'ble Minister to see his way to enforce the Act at least in one district in spite of the economic depression. If I remember aright, Sir, the Muslim Education Advisory Committee, of which Khan Bahadur Abdul Momin was the President and of which the Hon'ble Minister was then one of the members, recommended in response to the feeling in the country that in spite of the economic depression, the Primary Education Act should be given effect to. The report of the Committee seems to have been accepted by the Government as a whole. But, Sir, I am afraid that the Hon'ble Minister will perhaps confront me also with another question and it will probably be said that even my own District Board has not accepted the education scheme of the Government and no Education Board has been established there. I think, Sir, that our district board, of which the late lamented Khan Bahadur Alimuzzaman Chaudhuri was the Chairman till his death, has done wisely in not accepting the recommendation of Government to make over all the money that is now spent by them on primary education to the prospective Education Board, because from the way in which the boards, which have been hitherto established, are acting, it appears that the only effect of the establishment of these boards has been to transfer the administration of the primary schools from the District Board to the District School Board. But, Sir, whatever that may be, it is only by the way. I think, Sir, that the Primary Education Act will never be given effect to.

The Hon'ble Khan Bahadur Maulvi AZIZUL HAQUE: Sir, may I ask a question of the honourable member? What is the basis of the information that the district school boards are not doing anything except administering the old law.

Maulvi TAMIZUDDIN KHAN: Of course, Sir, I have not got that inside information that the Hon'ble Minister has, but my general impression is that the school boards are doing nothing better. Probably, some augmented grants have been given to these school boards; but I

do not know that, and the Hon'ble Minister, I hope, will be pleased to elucidate that point. But it seems that these little things will never bring free and compulsory primary education in the country. I fully realize the difficulties under which the Hon'ble Minister is labouring. The economic depression has certainly been a very disconcerting factor, but now that the depression is gradually disappearing, I think that an experiment could very well be made in one district at least. That would give the Government a very good grounding as to whether it would be advisable to enforce the Act in other districts also.

As regards the Bengal Development Act, it is yet too premature to say that that Act also will be shelved, but what is disappointing is that there is no scheme and there is no provision in the budget to finance any scheme under that Act. From this fact a suspicion naturally arises in our minds that during the coming year also, probably, nothing substantial will be done to give effect to this Act. But I hope that my expectations will be belied and that strenuous attempts will really be made to give effect to the Development Act.

Now, Sir, I was referring to the policy that our Government is following, *i.e.*, of undertaking schemes of improvement and financing the same by means of money raised by taxing the people who will be benefited. I think, Sir, that this policy, although it has been sanctioned by this Council, on account of the exigencies of the situation, will not succeed in the long run. People will hardly appreciate this so-called altruistic principle which has, in the long run, a mercenary back-ground. I think that popular discontent will gradually gather round measures based on this principle and will make them ultimately unsuccessful. The Government of the future will have to think out some way whereby money can be provided for such development schemes out of the ordinary resources of the Government. But, Sir, where will that money come from? This is a question which is extremely difficult to answer. I might say that Bengal, to my mind, is in bondage and she will never grow and prosper until her fetters are removed. But circumstanced as our province is at present, far from there being any expectation of these fetters being removed, it is found that the chains have rather been tightened up by the new Government of India Act, which has made it practically impossible to release and utilise the vast resources of the country for the benefit of the people, because the Government of India Act has put an effective check upon any effort to bring forward any legislation whatsoever affecting the Permanent Settlement. Sir, so long as the resources of the province remain mortgaged in this way, I do not think there is any source from which Bengal can expect sufficient money for her development. Sir, our province being thus in a very extraordinary predicament, I think it is time for the Government to think out a remedy. The malady

being of an extraordinary character, the remedy also should be of an extraordinary character. Unless the remedy is thought out and applied at the proper time, I think the necessary remedy will be supplied by Nature herself, and that remedy will be nothing short of revolution. If that catastrophe has to be avoided, Government have to think out a course of action which will deflect Bengal from this direction, so that popular discontent may not gather strength and ultimately ruin the cause which we all hold so dear. Sir, I was saying that the remedy must be of a somewhat extraordinary character and also of a somewhat revolutionary character, and I am tempted to make a suggestion to Government in this connection. If there is no other source from which money can be had, I think Government should deal with this decrepit administration in the same way as a surgeon would deal with the limb of an invalid which is diseased beyond any hope of cure. The surgeon puts the limp under his knife with the laudable object, viz., to save the whole system. If Government could think of——

(At this stage the member having reached the time-limit, had to resume his seat.)

The Hon'ble Sir JOHN WOODHEAD: Sir, as is usual, on these occasions, some members have spoken in praise of the budget and some have condemned it. As is usual, opinions differ: some take a favourable view and some an unfavourable view. Some members, not to-day but yesterday, criticised the administration as top-heavy, and one speaker went so far as to say that Government were lavish in regard to well-paid appointments, but were only too ready to apply the retrenchment axe to clerks and menials. Sir, a little while ago I got out certain figures which are interesting, and which I propose to give to the House this evening. The figures compare the expenditure on the pay of officers with that on the pay of establishment, that is, clerks and menials. The actuals for the expenditure on the pay of officers in 1934-35 were 13¼ lakhs less than the actuals for the year 1929-30, whereas the actual expenditure on the pay of establishment in 1934-35 was 15 lakhs more than in 1929-30; that is between the years 1929-30 and 1934-35 the expenditure on the pay of officers had fallen by 13 lakhs, whereas that on the pay of establishment had increased by 15 lakhs. Again, comparing the expenditure incurred in 1934-35 with that in 1921-22—1921-22 was the year which preceded the general increase in salaries—in 1934-35 the expenditure on the pay of officers was 20¼ lakhs more than in 1921-22, whereas the increase in the cost of establishment between the same years was 77½ lakhs, that is to say, "establishment" cost us, largely owing to the increase in pay given in 1921-22, 77½ lakhs more, whereas in regard to officers the increase was only 20¼ lakhs. Then, Sir, if we take the

expenditure on the pay of "non-voted" officers, that is, officers belonging to the all-India Services, we find that in 1934-35 the expenditure was Rs. ¾ lakhs less than in 1921-22. Those figures, I consider, most interesting. They show that since 1929-30 the expenditure on officers has decreased considerably, whereas that on the clerical and menial establishment is still increasing; and what is, perhaps, more interesting still, is that the expenditure on the pay of non-voted officers is now actually less than what it was in 1921-22.

Sir, we have heard a lot about the Primary Education Act, and although I do not wish to say much on that question for the Hon'ble Minister may wish to deal with that matter himself, still I may be permitted to say a word or two. Many members have expressed the view that the Primary Education Act should be introduced forthwith, but although I listened carefully to their speeches I am not certain that they realized that the enforcement of the Act means increased taxation. Maulvi Tamizuddin Khan recognized that fact and urged that the Act should be introduced in spite of the increase in taxation involved. All I can say is that Government have advanced during the last two years or so several thousands of rupees for the establishment of Primary School Boards in certain districts, and that they would not have advanced that money if they had not expected and hoped that it would be possible to introduce the Act in its entirety when the additional taxation involved could be imposed without undue hardship.

There is one other point, Sir, which I should like to refer to, and that is in regard to what Dr. Naresh Chandra Sen Gupta said about Reserved Education. I have picked that out because I am the Member in charge of what is known as Reserved Education. The first thing that I should like to make clear as regards Reserved Education, is that the expenditure budgeted for under "Education (Reserved)" is not solely for the education of Europeans and Anglo-Indians; it includes not only expenditure on European and Anglo-Indian education but also expenditure on education in Darjeeling and the Chittagong Hill Tracts, and on the Industrial and Reformatory Schools. In fact, out of the budget provision for next year of nearly 13 lakhs only 10 lakhs represents the provision for European and Anglo-Indian education. Dr. Sen Gupta said that Reserved Education had been pampered, whereas Transferred Education had been starved; but, Sir, the actual figures do not bear out those statements. The difference between the estimates for 1936-37 and the actuals for 1932-33 on the Reserved Side shows an increase of about Rs. 80,000, whereas on the Transferred Side the increase during the corresponding period is 4½ lakhs. I think those figures are a sufficient reply to Dr. Naresh Chandra Sen Gupta.

Mr. Thompson dealt with one or two points to which perhaps I should reply. The first was with regard to the estimate of receipts

under "V—Land Revenue" for the year 1936-37. He drew attention to the fact that the budget estimate is ten lakhs less than the revised estimate for the current year. Our land revenue has done extremely well during the last two years because we have collected a large amount of arrears from Government estates. In fact, the revised estimate for *khas mahal* collections this year is the very large figure of Rs. 90 lakhs. Before the depression set in, we never collected, if I remember rightly, more than 65 lakhs. I do not know how long these arrear collections will continue, but in view of the fact that we have collected during the last two years a very large sum on account of arrears, and also in view of the fact that we are faced with a partial failure of crops in Western Bengal, we thought it wise to reduce the estimate by ten lakhs as compared with the revised figure of this year.

As regards Excise, I am worried about our Excise revenue. It is not showing such signs of recovery as we would like to see. It may be that the Excise revenue will increase later on. It is possible that the first effect of an improvement in prices is reflected in land revenue, and that the improvement in the Excise revenue will accrue at a later date. Had it not been, however, for a fall in the revenue from *pachrai* owing to distress in Western Bengal, our revenue this year would probably have been as high as, if not a little higher, than that the actuals of last year. As regards the particular case referred to by Mr. Thompson, that case is under trial now, and I am always a little nervous about talking about cases which are *sub judice*. But I believe I shall be correct in saying that so far as that case is concerned, it is not likely that it has caused us much loss in revenue—the loss in revenue in all probability was felt chiefly under "Customs," a source of revenue belonging to the Central Government. And in this connection I would refer Mr. Thompson to the expenditure budget, where he will find that we have provided more money than we did last year for the Central Detective Department. That department has been created and is being enlarged with a view to the prevention of illicit distillation and the consequent loss in revenue, particularly in Calcutta and the neighbouring areas. As regards increased receipts from the Electricity Duty, I am naturally rather pleased than worried. The actual yield will show a considerable increase over the estimate made last year. It was difficult to estimate ahead what the revenue would be and as things have turned out our estimate was too conservative, but personally I am glad that this duty has yielded more revenue than we anticipated.

Sir, many members to-day have stressed the future, and I think they have been wise to do so. After all, we are now not far away from the day on which the new Constitution will be introduced. The present budget is not a matter of such importance as the budget of

the future, and I am glad that members to-day should have once again stressed the need for an equitable financial settlement for Bengal under the new Constitution. Mr. Narendra Kumar Basu rather twitted me —I do not think he was serious—in not having taken the House into my confidence as regards the case we presented to Sir Otto Niemeyer. That case, Sir, is well known. We have presented it time after time and it has been discussed repeatedly inside and outside this House. Everybody knows what it is, and as I said in my budget speech, it is hardly worth while repeating once again the old, old tale. We have three main claims to which members have referred to-day. There is first our claim that the jute duty should be a provincial source of revenue. Our next claim is that there should be a substantial distribution out of the provincial share of the proceeds of income-tax at an early date; and our third claim is as regards our deficit debt. As regards the last item, we claim that we should be reimbursed not only in respect of the actual deficit debt, but also in respect of the difference between that debt and the total deficit on revenue account during the years since the onset of the depression. These are the three main points in our case. We have again stressed these main points and have urged that we should be given a revenue which will enable the province to maintain, particularly on the Transferred Side, a reasonable standard of administration—a standard that should compare not unfavourably with the standard which has been attained in certain other comparable provinces. On these points there is really nothing new to say. Our case has been set forth time after time and our claims are well known to everybody. But in that connection I should just like to say this, that I am convinced that the success of the new Constitution in Bengal will depend very largely upon the nature of the new financial settlement. If there is an equitable financial settlement which will enable the province to advance on the Transferred Side, the new Constitution will, we hope, be a success. But if the injustice of the past is not redressed, I fear the new Constitution will not be such a success as it should be.

Sir, I think these are the main points that have been raised in the debate to-day, and I have nothing further to say.

Mr. W. C. WORDSWORTH: Sir, I welcome this opportunity of adding my small tribute to the stream of approbation flowing round Sir John Woodhead, and in supporting the point of view put before the House by my leader, Mr. Thompson; I promise to keep myself within the bounds of order and not talk about any other budgets but our own. The situation in this province is that for some 55 millions of people we have about 11 crores of revenues; yet it is a wealthy province, a fertile province, and an industrious province, and the problem

that Sir Otto Niemeyer has to solve with the help of Sir John and our Government is, how to give us a more reasonable share in what this province produces. We are all concerned with the welfare of the province in every way, and we are, all of us, interested especially in certain branches of our public economy. So I may be permitted to speak in detail on one or two subjects in which I am specially interested.

I shall first refer to Reserved Education. I regret I was absent from the House in connection with a piece of educational work when Dr. Naresh Chandra Sen Gupta seems to have made some observations on Reserved Education. As the Finance Member has told the House, the budget for this includes not only European Education but also all education in what we shall in future have to call excluded areas. I may remind the House also that in European Education is included not only the education of Europeans but the education of all those non-Europeans and non-Christians who come to European schools, and their number is large. Many of you will have noticed the evidence of popularity of the European schools from speeches made at La Martinere on Saturday on the occasion of its centenary anniversary. A year ago, the High Court altered the deed of trust and enabled non-Christians to be admitted into the school, and we are told that there are about 70 non-Christians who have joined the school already and there is pressure from many others wishing to join it. The European schools, established to give education based upon the traditions of Europe and on the teachings of the Christian faith, are nevertheless very popular with Indians, so popular that a rule has had to be laid down permitting the schools to take 15 per cent. non-European pupils on a grant-in-aid basis—that is to say, Government will recognise them as pupils for whom grants may be paid; but in addition schools may admit another 10 per cent. for whom they receive no grants. I have the figures here for the last few years, and the gist of the situation is that the Government pays every year something from nine to ten lakhs in grants, etc., whereas the schools themselves provide in fees, donations and contributions something amounting to nearly 30 lakhs a year, and that does not include the very valuable and in terms of money inestimable services of those devoted men and women of the teaching orders without whose help and devotion European Education in this country would be impossible. Their services are a contribution not only to the Europeans in particular, but to the welfare of this country in general.

Sir John Woodhead is familiar with the problems of European schools. This department falls under his administration, and I have been asked when I have an opportunity, and I take this opportunity to assure him on behalf of all workers for them, and particularly on behalf of the Association of teachers in European schools in Bengal, of which I happen to be, of no wish of my own, President, that the European schools are very happy under his care, and that they hope that he is

equally happy in looking after them. This gratitude is naturally and properly associated with an expectation of better things to come, and here I should like to remind Sir John Woodhead that the first great need of the European schools is to get back the 10 per cent. cut. The cut in Education was not a consistent cut. I understand that in the case of European schools, the budget was cut by 10 per cent., while in the case of Indian schools—I shall refer to them in a minute—the budget was cut by 5 per cent. in some cases, and in others by nothing at all. Therefore, a statement that seems to have been made in this House is quite without authority. If the European schools can get back 10 per cent. cut with a little more for general assistance, their subversion will more or less reach the 10 per cent.—the average of the last ten years—that has been responsibly, and I may even say, constitutionally, promised to them for the future as their condition of working under the new Constitution.

Turning to the Transferred Side of Education, I agree with several speakers that there too a great deal more is possible. I seem to remember that when I was an official I worked with a much larger budget than the one now before us. We all know, and those who take any interest in Education especially know, that every Department of Indian Education is being starved, not only because there are not the resources for the best kind of work in what is being done, but also because many things cannot be thought of as no one dares even to propose them in the present state of our provincial finances. We had a discussion recently upon what was due to the education of girls and young women, and the Government gratified us by telling us that there was an increased provision. Those who go about asking questions on such matters will have been told by teachers, missionary teachers and others, European and Indian, in the towns and the mufassal, that everything is ready for a great advance if only they can get any power behind them. There are times when in education expenditure for the time being does not seem to be justified. A big primary education scheme may have great results for a while while enthusiasm lasts, but if that enthusiasm dies out, until it is won back, expenditure may be applied with poor results. Everything at present seems to point to the truth that the country is ready for a great advance in the education of girls and women and in primary education. Every week in the School Committee or the University we have to deal with cases which the University resists (though not very determinedly), cases in which districts and towns apply for permission to open girls' classes attached to the local boys' schools. This is a matter which will soon have to be faced in a comprehensive manner by the University and, perhaps, in a comprehensive manner by this House.

These are some of the great needs that the province in its new condition will have to face. We had had a very interesting phenomenon in Bengal in the Education Week which was staged in Calcutta

not long ago. That I think was a very valuable piece of activity; it showed very much of our defects, but it also showed much more good in our education than many people are not prepared to admit; it showed that there is a readiness to make good use of every opportunity that is given to the schools and teachers. In particular, we found the teachers eager to learn more about their work and to make themselves more efficient for it. There is a little bit of personal history that I may mention. I myself presided over a discussion on ways of teaching English, and the audience numbered about 2,000. They did not come in, have a look round and then walk out; they stayed there for the whole of two hours, and asked if we could not arrange other classes in future to help them. There is a great deal of condemnation of our education going on in the press and platform, and a great deal of this comes from those who have never stood before a class or tried to find out in practice what education means. But if there are grave faults —and no one will deny that there are—we have not yet the resources in this country to begin to consider education as it should be thought of, as a full training for the future, as the pursuit of health, health of mind, health of body, health of spirit. If we have the resources, and if we can give to the schools all that is necessary in the way of ordinary teachers and extraordinary teachers, and if we can give them proper equipment other than for purely class-room work, then we shall see our education as a very much finer thing than it is to-day. In saying this, I certainly make no reflection on what education has done for this country. I frequently try to estimate its value. I say to myself—What was Bengal like in 1860 and what is Bengal like to-day? And it seems reasonable to give a very great part of the credit for the difference to what has been done by our University and our schools.

I turn to public health. Think of the defects and of deficiencies in our equipment. At present owing to subvention from outside an enquiry is going on into malaria in the School of Tropical Medicine. Bengal is steeped in malaria, healthy Calcutta is sensitive about malaria; the result of that enquiry will presumably be of great interest for all in this province, but the interest will never be made effective unless we have the resources to put behind the work. All those who work to fight against leprosy say that they can subdue it considerably if they have the resources. But the Government of Bengal has never been able to give them the resources.

At the Eye Infirmary this evening, at a meeting of the Association for the Prevention of Blindness, the audience is being informed that out of the hundreds of thousands of cases of blindness in India at least 50 or 60 per cent. could be cured, and for the future prevented, if only we had the resources. Our opthalmic surgeon has been working now for years to persuade the province that the time has come to follow the example set by Egypt and to have travelling dispensaries

properly equipped to attend to afflicted children and adults in the villages. If blindness can be cured and prevented in this way, what excuse can there be for not enabling those who can cure it to do the work? Surely things of this sort should be included in our definition of rural uplift. What rural uplift can be higher and better than the uplift of the people's health in every way?

These are a few of the points which I think should be taken into account. We shall have opportunities of referring to them and to some others in greater details when we come to the voting of grants.

Khan Bahadur A. F. M. ABDUR-RAHMAN: Mr. President, Sir, I congratulate Sir John Woodhead for his eloquent and lucid budget speech and he deserves our praise that he has been able to lighten the gloom of Bengal budget this year. But, Sir, really speaking, this is only a comparative cheerfulness. Sir, if we closely examine the budget we shall find there has been no real financial improvement. It is only from the receipts of the five new taxation measures which we passed on April last and by the assignment of the half of the jute export duty, the Hon'ble Finance Member has been able to wipe out some portion of the deficits of the previous years. I think, Sir, in all the countries Government exists for the good of the people—by people I mean people in general. If we scrutinize the budget we find that besides making provisions for the maintenance of law and order in the country, we have provided very little for the departments which aim at the uplift of the people. Sir, recently we have passed certain beneficial legislation in the Council like Bengal Development Act, Rural Indebtedness Act and some others. But these beneficial legislations will serve no useful purpose unless these legislations are put into action in right earnest. I think, Sir, it is useless and waste of public money. We can only be proud of that during our tenure of membership we had the honour and privilege to be associating in putting some beneficial legislations in the statute book. Sir, recently the Hon'ble Nawab Sir Mohiuddin Faroqui, the Minister of Agriculture, drew a very lucid picture of the economic condition of Bengal in his striking speech at the All-Bengal Agriculturists and Debtors' Conference at Serajganj. The Hon'ble Minister in his speech said that the agriculturists are not in a position to regularly pay their rents and in many instances they can hardly make both ends meet. We congratulate the Hon'ble Sir Mohiuddin for his frank and candid confession about the true position of the agriculturists of Bengal. I do not say, Sir, that the Government of Bengal is absolutely unmindful of the situation and they have no doubt laid their fingers in the matter, but unfortunately the poor peasants of Bengal are not getting any direct tangible benefit which they need most at the present juncture. Sir, voluntary jute restriction scheme which was organised by Government and in some places the

results were very good but unfortunately the poor cultivators did not get much benefit out of that. During harvest time the prices were very low, and the cultivators were compelled to sell their produce immediately after harvest on account of their extreme poverty; only the middle men and comparatively substantial cultivators got the benefit of increased price. Sir, the cultivators were asked to grow sugarcane as an alternative money crop, and they did that with right earnest. I do not know the condition of the other parts of Bengal, but, Sir, in my district the cultivators are reluctant to remove the crop from the field, because it is not at all remunerative. Molasses are being sold at ridiculously low prices. Sir, the position of the agriculturists have now become like catching of straw by a drowning man. They are doing everything in the hope of good result, but unfortunately they are delusioned. And, Sir, this reminds me of the quoted saying: "Hope deferred maketh the heart sick." It is no doubt, Sir, the economic revival of the country is a very great problem, but we shall have to face it boldly and manfully and make steady headway and give to the people some tangible and real relief. Unless we do that, there is no practical justification for all these popular Governments with peoples' men at the helm of affairs. Let us go back to the pre-Reform days, if not for anything else at least to stop a huge wastage of public revenue in the name of peoples' Governments. Sir, I am glad to find that provision of one lakh ten thousand has been made to remove the defects and weakness which has been detected now in the co-operative movement. Sir, only by strengthening the staff, things would not improve much. The old and antiquated Act of Co-operative Societies of 1912 needs immediate change. By working during these long periods several defects in the Act have been found out and the Act should be amended in the light of the experience gained. The lending rate of interest prevalent in the co-operative societies in Bengal is much too high in comparison with other provinces. The present Registrar of Co-operative Societies is trying his best to reduce the rate of interest on deposits, but unless the Government comes forward in the matter, it will not be possible to give substantial relief to the debtor members. Sir, uptil now only five land mortgage banks have been established, but in the present condition of the movement it is necessary to establish at least one in each subdivision. Sir, we are almost at the end of our life in the Council and let us all wish that prosperity and better days would again come to the people of Bengal with the inauguration of the new Reforms.

Mr. P. BANERJI: Sir, member after member, has congratulated the Hon'ble the Finance Member for bringing in another deficit budget, the deficit being to the tune of over half a crore. I consider that this budget is absolutely dull and dismal, for, in spite of the fact that

the Government have squeezed the blood out of the people by fresh taxes, still in spite of that fact, there is this deficit. The Hon'ble the Finance Member has said that this budget is his last budget, but other members think that perhaps there might be an extension of his term of office and he might get another opportunity to bring forward another budget. But, Sir, when everything is said and done, the fact remains that the budget is a deficit budget; and if at the time of his departure from this country the Hon'ble Member fetters Bengal to the extent of Rs. 4½ crores——

Mr. P. N. GUHA: Sir, is there any quorum?

(The bells were rung and it was found that there was no quorum present in the House.)

Mr. P. BANERJI: That, Sir, is the manipulation of the Government; the members have not left but are waiting outside.

Mr. PRESIDENT: You cannot say that it is a manipulation of the Government. However, there being no quorum present in the House, I adjourn the Council till 3 p.m. on Monday, the 9th March, 1936.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 9th March, 1936, at the Council House, Calcutta.

APPENDIX TO THE COUNCIL PROCEEDINGS.

Presentation of an address to the Hon'ble Maharaja Sir Manmatha Nath Ray Chowdhury, Kt., of Santosh, President of the Bengal Legislative Council, by the officers and staff of the Council Department on Monday, the 2nd March, 1936.

The Council was adjourned for an hour at 4 pm. on the 2nd March, 1936, to enable the officers and staff of the Bengal Legislative Council Department to present an address to the Hon'ble President on his elevation to the title and dignity of Maharaja. The gathering included a large number of the members of the Council. The address which was printed on silk and enclosed in a silver casket was as follows:—

Hon'ble Sir—

We, the Officers and Staff of the Bengal Legislative Council Department beg to offer you our respectful and heartfelt congratulations on the high honour done to you by the conferment of the title of Maharaja.

You, Sir, were first elected as President on the 11th January, 1927. You have thus been the President of the Bengal Legislative Council over a longer period than any President under the present reformed constitution.

The dignity and thorough manner in which you have, over this long period, discharged the functions of your high office, the great example you have set by your conscientious sense of duty, the important changes that have been accoplished during your regime by the introduction of the Mace and the inauguration of a separate Bengal Legislative Council Department, and the great and valuable services that you have rendered, and continue to render, apart from your exalted office, in various fields of activities in and out of your beloved province, have filled our hearts with genuine admiration.

You, Sir, were honoured in 1930 with the title of Knighthood in recognition of your valuable services and now, Sir, comes this further recognition by the Government by way of confirmation of the high estimation in which you are still held.

The words of high appreciation addressed to you by no less a judge of character and efficiency than His Excellency Sir Hugh Stephenson, now Governor of Burma, when His Excellency, as Governor of Bengal, unveiled in the Council Chamber on the 21st August, 1930, your portrait which was presented by the members of the council, are still ringing in our ears.

We, Sir, are however more concerned with you as our Chief and the benign head of our department. We have first-hand knowledge of the great personal interest you have always so graciously taken in the welfare of each one of us and the keenness and determination that you have shown to make our department second to none. We have not always, perhaps, come up to your high ideals of service and efficiency but we thank you, Sir, for all the continuous marks of kindness by which you have sought to encourage us to high endeavour to aspire in the direction of the more efficient discharge of our duties.

We, again offer you, Sir, our sincere congratulations and wish you long life and continued prosperity.

We have the honour to be,

SIR,

Your most obedient servants,

J. W. McKay (*Secretary*)
K. Ali Afzal (*Assistant Secretary*)
K. C. Ghosh
N. N. Ghosh
A. B. Chatarji
S. N. Banerji
S. C. Sen
M. Quadari
S. C. Sinha
K. A. Ali
N. Hasan
A. K. Neogy
B. Chakrabarty
M. Dutt Roy
R. C. De
G. D. Banerji
M. A. Aziz
G. W. Brand
K. N. Bhattacharji
N. N. Banerji
A. Ahmed
B. B. De
G. C. Mallik
S. C. Bose

In replying, the Hon'ble President, addressing the Secretary and Staff said that he was so deeply touched by the kind words of felicitations from the officers and staff of his own department on his elevation to the distinction of Maharaja that it was not possible for him in the fullness of his heart to make an adequate reply. Personally, he was averse to the practice of accepting such an address, and as a matter of fact he had hesitated for some time before he came to a final decision. He thought that if he had refused to accept the address which was a spontaneous, sincere and loyal expression of congratulation coming from persons who had been in personal contact with him for some considerable time even though they belonged to a department of which he was in charge, it would not simply be an act of sheer injustice to them, but would also putting an undue premium on the spontaneous outburst of rejoicings on their part in the shape of an address. On the other hand, he thought that by accepting their offer he would be infusing into them as their Chief an incentive to their idea of loyalty and devotion to duty. He had, therefore, to yield to their wishes and this he had to, of course not without hesitation.

Concluding his reply the Hon'ble President emphasised the fact that they had shown in a striking manner that the true perspective in life was obtained through discipline—discipline that was the life of the corporate body in an office just as routine was the rhythm of the universe, and when that conception of duty was fully developed in each unit of a corporate body, all the differences incidental to rank or official positions were harmonised without impairing real authority which was so essential for its collective efficiency and integrity.

Addressing the gathering, Mr. Shanti Shekhareswar Ray said that it was an asset to any administrator to be able to command the love and esteem of those that worked under him and they, as members of the Council, felt proud that the Maharaja had been able to win that love and esteem inasmuch as the Maharaja was their elected representative and that by honouring their Chief, the powers that be have as a matter of fact honoured all the members of the Legislative Council.

The following members attended the ceremony.—

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.

Ahmed, Khan Bahadur Maulvi Emaduddin.

Ali, Maulvi Hassan.

Baksh, Maulvi Syed Majid.

Bal, Rai Sahib Lalit Kumar.

Bal, Rai Bahadur Sarat Chandra.

Banerji, Mr. P.

Barma, Babu Premhari.

Basir Uddin, Khan Bahadur Maulvi Mohammed.

Basu, Babu Jatindra Nath.

Basu, Mr. Narendra Kumar.

Basu, Mr. S.

Bose, Mr. S. M.

Blandy, Mr. E. N.

Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.

Chaudhuri, Dr. Jogendra Chandra.

Chaudhuri, Babu Kishori Mohan.

Chokhany, Rai Bahadur Ram Dev.

Chowdhury, Maulvi Abdul Ghani.

Chowdhury, Haji Badi Ahmed.

Choudhury, Maulvi Nural Absar.

Cohen, Mr. D. J.

Dutt, Rai Bahadur Dr. Haridhan.

Eusufji, Maulvi Nur Rahman Khan.

Faroqui, the Hon'ble Nawab Sir Mohiuddin, of Ratanpur.

Fazlullah, Maulvi Muhammad.

Ghose, Dr. Amulya Ratan.

Gilchrist, Mr. R. N.

Graham, Mr. H.

Griffiths, Mr. Charles.

Guha, Babu Profulla Kumar.

Guha, Mr. P. N.

Hakim, Maulvi Abdul.

Haldar, Mr. S. K.

Haque, the Hon'ble Khan Bahadur M. Azizul.

Hogg, Mr. G. P.

Hooper, Mr. G. G.

Hoque, Kazi Emdadul.

Hossain, Maulvi Muhammad.

Hossain, Maulvi Latafat.

Jenkins, Dr. W. A.

Kasem, Maulvi Abul.

Khan, Khan Bahadur Maulvi Muazzam Ali.

Khan, Khan Bahadur Maulvi Hashem Ali.

Khan, Maulvi Tamizuddin.

Maiti, Mr. R.

Mitter, Mr. S. C.

Mittra, Babu Sarat Chandra.

Momin, Khan Bahadur Muhammad Abdul.

Mukhopadhaya, Rai Sahib Sarat Chandra.

Nag, Babu Suk Lal.

Nicholl, Mr. C. K.

Paul, Sir Hari Sanker.

Poddar, Mr. Ananda Mohan.

Porter, Mr. A. E.

Quasem, Maulvi Abul.

Rahman, Khan Bahadur A. F. M. Abdur-.

Rahman, Maulvi Azizur.

Rai Mahasai, Munindra Deb.

Ray, Babu Amulyadhan.

Ray, Babu Nagendra Narayan.

Ray, Mr. Shanti Shekhareswar.

Ray Chowdhury, Babu Satish Chandra.

Reid, the Hon'ble Sir Robert.

Roxburgh, Mr. T. J. Y.

Roy, the Hon'ble Sir Bijoy Prasad Singh.

Roy, Babu Jitendra Nath.

Roy, Mr. Saileswar Singh.

Roy Choudhuri, Rai Bahadur Hem Chandra.

Sahana, Rai Bahadur Satya Kinkar.

Samad, Maulvi Abdus.

Sen, Rai Bahadur Akshoy Kumar.

Sen Gupta, Dr. Naresh Chandra.

Shah, Maulvi Abdul Hamid.

Shahabuddin, the Hon'ble Mr. Khwaja.

Singh, Srijut Taj Bahadur.

Singha, Babu Kshetra Nath.

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Steven, Mr. J. W. R.

Stevens, Mr. H. S. E.

Tarafder, Maulvi Rajib Uddin.

Thompson, Mr. W. H.

Townend, Mr. H. P. V.

Woodhead, the Hon'ble Sir John.

Wordsworth, Mr. W. C.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 9th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 91 nominated and elected members.

Oath.

The following member made an oath or affirmation of allegiance to the Crown:—

Mr. W. A. M. Walker.

Message from the Governor.

Mr. PRESIDENT: Gentlemen of the Council: I shall be grateful if you will rise in your places to receive a message from His Excellency the Governor:—

(Pause.)

D.-O. No. 3785P.

GOVERNMENT HOUSE,

CALCUTTA.

The 29th February, 1936.

Dear Mr. President,

In my letter of 4th December, 1935, I wrote acknowledging your letter of that date which enclosed a message from the Bengal Legislative Council relative to the death of Her Royal Highness Princess Victoria. I now write to inform you that I have received intimation that the message in question was duly laid before His Majesty the King.

I am

Yours sincerely,

Sd. JOHN ANDERSON,

Governor of Bengal.

STARRED QUESTIONS

(to which oral answers were given)

Erosion of Kurigram town.

*27. **Babu KSHETRA NATH SINGHA:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) whether there is any imminent danger to the town of Kurigram in the district of Rangpur from the erosion of the Dharla river; and

(*ii*) what steps, if any, have so far been taken by the Government for the protection of the town?

(*b*) If the steps so far taken have not proved adequate for the purpose, what further steps, if any, do the Government contemplate taking in the near future?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) (*i*) The danger of erosion by the Dharla river still exists.

(*ii*) A bamboo fascine protection was provided last year along the river bank.

(*b*) In addition to repairing and extending the temporary fascine protection, a diversion cut to divert the current away from the town is under consideration.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Member be pleased to state who was the engineer at whose instance bamboo fascine was adopted as a protection against a big river like the Dharla?

The Hon'ble Mr. Khwaja SHAHABUDDIN: He is an Irrigation Department engineer.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state how far this fascine protection was effective against the current since its erection?

The Hon'ble Mr. Khwaja SHAHABUDDIN: It was effective last year and this year adoption of such bamboo fascine protection is under consideration.

Maulvi SYED MAJID BAKSH: If it was effective last year, will the Hon'ble Member be pleased to state why the project of a cut to divert the current away from the town is under consideration?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Is is now considered more advisable to make that cut and the matter is under consideration.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the bamboo fascine was damaged last year?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Yes, Sir. I think, to a certain extent it was.

Detenu Babu Sudhangshu Kumar Basu.

*28. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the house in which the detenu Babu Sudhangshu Kumar Basu, B.L., has been lodged.

(*b*) How much allowance has been granted to the family of the said detenu?

(*c*) Is it a fact that the average monthly income of the detenu was over Rs. 100?

(*d*) Is it a fact that the treatment of his ailing mother, education of his younger brother and the marriage of his only sister have suffered much in consequence of his detention?

(*e*) What arrangement, if any, has been made for the continuance of the Life Insurance Policy of the detenu?

(*f*) Are the Government considering the advisability of revising their decision so far as the granting of allowance to the family is concerned?

(*g*) What is the present state of health of the detenu?

(*h*) Is it a fact that the detenu has lost much in weight?

(*i*) If the answer to (*h*) is in the affirmative, what arrangement, if any, has been made for the preservation of his deteriorating health?

Mr. C. P. HOGG: (*a*) to (*c*) Government are not prepared to give the information asked for.

(*d*) Government have no information on the subject.

(*e*) The Policy was a new one on which only one premium had been paid. In accordance with the principle explained in the reply given on the 29th July, 1935, to starred question No. 48, an equivalent sum was paid to the detenu. No further payments will be made.

(*f*) No.

(*g*) to (*i*) Government are not aware that the detenu has lost much in weight, and have no reason to believe that he is not in good health.

Mr. P. BANERJI: Will the Chief Secretary be pleased to state the reasons of Government for not replying to the question from (*a*) to (*c*), viz., that Government are not prepared to give the information asked for, and whether is it a fact that Government either have no information or that Government are not in a position to disclose the fact?

Mr. C. P. HOGG: To (*a*) the answer is—it is not in the public interest to give the information; and to (*b*) and (*c*)—these are matters which are the personal concern of the detenu.

Curfew orders in Midnapore.

*29. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Political Department aware of a public feeling that the promulgation of the Curfew laws in the Midnapore district for more than two years have practically destroyed the business of the district?

(*b*) Do the Government intend continuing this law any more in the district? If so, for how long?

(*c*) How many persons have been convicted for breaking the Curfew orders?

(*d*) What amount of fine has been realised for breaking the Curfew orders?

Mr. C. P. HOGG: (*a*) No.

(*b*) The continuance of the Curfew orders depends upon the local situation. It is not possible to forecast how long these restrictions will be required.

(*c*) 363 up to the end of January, 1936.

(*d*) Rs. 3,946 up to the end of January, 1936.

Curd vans in Howrah-Sheakhala Light Railway.

*30. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Minister in charge of the Public Works Department aware—

(*i*) that passenger coaches in the Howrah-Sheakhala Light Railway are daily used as curd vans:

(*ii*) that the attention of the Managing Agents of the said line was drawn to this by the Howrah-Sheakhala Light Railway Passengers' Association in their letter, dated the 4th July, 1930; but

(*iii*) that no steps have yet been taken in the matter?

(b) If the answer to (a) (i) is in the affirmative, is the Hon'ble Minister considering the desirability of urging upon the railway authorities for the provision of separate curd vans?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (a) (i) Yes, on certain trains passenger coaches are reserved for curd vendors and when this is done passengers are not permitted to travel in these coaches.

(ii) No.

(iii) The question of special arrangements for the carriage of curds is under the consideration of the Managing Agents.

(b) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the coaches that carry curds are also intended for passengers when the curds are not despatched in these coaches?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Yes, Sir.

Sindiaghat steamer station.

*31. **Rai Bahadur AKSHOY KUMAR SEN:** (a) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that at the station Sindiaghat in the Faridpur district there is no railing around or roof over the portion for the protection of passengers where the steamers moor?

(b) Is it a fact that there is no latrine at the station for the use of passengers?

(c) Is it a fact that the passenger shed is only a small tin hut with low used plinth the size of the hut being 8′×10′ only?

(d) Is the Hon'ble Member aware that the influx of passengers at the station is more than 50 a day?

(e) Is the Hon'ble Member also aware that the passengers suffer much for want of provision for latrines and urinals for their use?

(f) Are the Government considering the desirability of taking necessary steps for the removal of the grievances stated above?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (a) There is a shelter for passengers on the bank at Sindiaghat but the pontoon at which steamers berth has neither roof nor railings.

(b) Yes.

(c) The passenger shed is constructed of corrugated iron throughout. It has a mud and cinder plinth. Its dimensions are—

male portion	...	12′×10′
female portion	...	8′×10′

(d) The number of passengers landed and embarked at Sindiaghat during 1935 was 27,901 and 25,566, respectively.

(e) and (f) No.

Maulvi SYED MAJID BAKSH: With respect to (e) and (f), will the Hon'ble Member be pleased to state why Government are averse to redress the grievances which they admitted?

The Hon'ble Sir JOHN WOODHEAD: I did not know that I had admitted the existence of grievances.

Maulvi SYED MAJID BAKSH: If the Hon'ble Member sees through his answer, he will find that he had already admitted all the grievances.

Mr. PRESIDENT: That is not a question. I am afraid you are arguing.

Maulvi SYED MAJID BAKSH: I am putting to the Hon'ble Member whether——

Mr. PRESIDENT: You can put a supplementary question if you like. But you cannot argue.

Maulvi SYED MAJID BAKSH: All right, Sir. Will the Hon'ble Member kindly let us know if it is the want of finance that stands in the way of redressing the grievances?

The Hon'ble Sir JOHN WOODHEAD: I can only repeat that I did not know that I had admitted the existence of grievances.

Arrest of persons under the Press (Emergency Powers) Act.

*32. **Mr. P. BANERJI:** (a) Is the Hon'ble Member in charge of the Political Department aware—

(i) that about 3 or 4 young men were prosecuted under the Press Emergency Act as being organisers of the last Socialist's Conference held in the Albert Hall in September, 1935;

(ii) that these young men were acquitted by the Chief Presidency Magistrate; and

(iii) that the papers seized were declared to be absolutely beyond the purview of the Press Emergency Act?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state—

(i) whether any legal opinion was taken by the police before launching such prosecution;

(ii) what action the Government have taken against the officers responsible for the prosecution?

Mr. C. P. HOGG: (a) (i) It is not a fact that any persons were prosecuted as being organisers of the Conference referred to but two persons were prosecuted under section 18 of the Indian Press (Emergency Powers) Act, 1931, for the publication of a leaflet in connection with it.

(ii) Yes.

(iii) The Chief Presidency Magistrate held in the judgment that the leaflet in question was not an unauthorised news-sheet.

(b) (i) Yes.

(ii) None.

New Howrah Bridge.

*33. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (a) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether the contract for the construction of the New Howrah Bridge has been placed; if so, what are the names of the contractors and the amount that has been sanctioned?

(b) If any tender has been called for, if so, the names of the persons and their respective rates submitted to the Government for the Howrah Bridge?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (a) No order has yet been placed.

(b) Tenders have been received and are now being considered by the Howrah Bridge Commissioners. Government are not at present in possession of the information asked for.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Minister be pleased to state whether the selection of tender by the Howrah Bridge Commissioners is subject to the approval of the Government?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, I refer the hon'ble member to the New Howrah Bridge Act which has been passed by this House.

Rai Bahadur Dr. HARIDHAN DUTT: The universal custom is that after a certain period Government should decide whether the last answer given by them should stand, is not that applicable in the case of the Port Trust also?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I have already referred the hon'ble member to the Act. I have nothing more to add.

Maulvi ABDUL HAKIM: May I know whether the railway trains will be able to pass over the bridge?

(No answer.)

Mr. W. H. THOMPSON: Will the Hon'ble Minister be prepared to say whether the bridge will be ready before 1950?

(No answer.)

Tauzi No. 1720 in Bakarganj Collectorate.

***34. Babu KHETTER MOHAN RAY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether the estate tauzi No. 1720 borne in the roll of the revenue paying estates of the Collectorate of the Bakarganj district has been attached by orders of the Collector of Bakarganj under section 99 of the Cess Act (Bengal Act XX of 1820), for arrears of cesses; and

(*ii*) whether action has been taken in acordance with the provisions of the said Act, and the estate is being managed, and rents from the tenants are being collected by the said Collector?

(*b*) Were the owners of the subordinate tenures and under-tenures (of howsoever low degree) prohibited from realising rents from their respective tenants and the rents from their tenants are being collected by the Manager appointed by the Collector?

(*c*) Have Government considered whether the Collector has any power to attach the tenures and under-tenures subordinate to an estate which is attached under section 99 of the Cess Act for arrears of cesses as in the case of the estate noted above and to prohibit the owners of such tenures and under-tenures in respect of which cesses are not payable directly to the Collector, from realising the rents from their

tenants? If the answer is in the affirmative what steps are being taken by the Government to modify the action taken by the Collector in so far as it relates to the attachment of the subordinate tenures and under-tenures and prohibition of collection of rents by the owners thereof?

(*d*) Is the Hon'ble Member aware that such attachment of subordinate tenures and under-tenures has adversely affected the interest of the tenure-holders and under-tenure-holders, who are under no obligation under the law to pay cesses directly to the Collector; and created a sort of insecurity amongst this class of tenure-holders in the district?

(*e*) Will the Hon'ble Member be pleased to say whether the proprietors of several *hissyas* of the said estates had separate accounts opened in respect of their shares, and revenue and cesses were being paid separately for a long time; and whether the Collector attached under section 99 those separate *hissyas* in respect of which the arrears of cesses were due; also whether the Collector afterwards without waiting for a reasonable time for realisation of arrears from these shares and other properties of the defaulters, closed up the separate accounts under section 44 (*3*) of the Cess Act and attached the entire estate including the shares of those proprietors in respect of whose separate shares, no cesses were in arrears? If so, have the Government considered whether the action of the Collector is not against the spirit of section 43 of the Cess Act when the arrears of cesses are capable of being realised from the defaulting shares in the estate and other valuable properties of the defaulters?

(*f*) Are the Government considering the desirability of causing an inquiry to be made into the matter with a view to direct the Collector to release the non-defaulting shares and subordinate tenures and under-tenures from attachment and afford such relief to those who have been injuriously affected by such attachment?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) and (*b*) Yes.

(*c*) Yes, the Collector's action is perfectly justified under section 99 of the Cess Act, read with the terms of Schedule F under the Act.

(*d*) No, the collection of rents by the Collector from the under-tenants of tenure-holders who have not paid their rent and cesses to their superior landlord does not affect them adversely. It may benefit them. The position of all grades of tenures under the *zamindar* is perfectly secure.

(*e*) The action of the Collector in closing the separate accounts and attaching the entire estate after he has failed to realise their arrears from the proprietors of particular separate accounts under section 98 is justified. The definition of "Estate" in the Cess Act does not

include parts of estates and section 99 speaks of "Estate." Section 44 (3) reserves the joint liability for cesses of all the separate accounts in spite of the distribution of the cesses among the co-sharers with separate accounts for revenue.

(f) No.

Babu KHETTER MOHAN RAY: With reference to (e), will the Hon'ble Member be pleased to state whether the Collector has taken all possible steps to realise arrears from the proprietors of the particular separate accounts before he has closed up all accounts altogether and taken proceedings under section 99 of the Cess Act?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Rules regarding appointment of Inspectors of Films, Bengal.

***35. Babu JITENDRALAL BANNERJEE:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state whether there are any rules for the appointment of persons who act as Inspectors of Films under the Film Censor Board of the Bengal Government?

(b) Who are the persons who now hold these offices and what are their respective qualifications?

(c) If the answer to (a) is in the negative, are the Government considering the advisability of framing rules with a view to the recruitment of suitable persons?

Mr. C. P. HOGG: (a) Inspectors of Films are appointed under rule 12(2) read with rules 26-31 of the rules framed under sub-section (2) of section 8 of the Cinematograph Act, 1918 (II of 1818).

(b) (i) Mr. J. W. McKay, I.S.O., Chief Inspector (part-time).

(ii) Mr. J. N. Bannerji, Additional Inspector.

Mr. McKay has considerable experience in the work having acted as Inspector under the Bengal Board of Censors almost continuously since the establishment of the Board in 1920. He has further studied the methods of censoring of films in England and abroad during his leave out of India.

Mr. Bannerji, who was originally appointed as clerk in the office of the Board of Censors received training in the work under Mr. McKay before his appointment as Additional Inspector.

(c) Does not arise.

Babu JITENDRALAL BANNERJEE: Will the Chief Secretary be pleased to state whether, apart from the training received from Mr. McKay, Mr. J. N. Bannerji possesses any educational or academic qualification whatever?

Mr. C. P. HOGG: I require notice.

Babu JITENDRALAL BANNERJEE: Do the rules referred to by Mr. Hogg lay down any qualifications for the post of Film Inspector?

Mr. C. P. HOGG: Not that I am aware of.

Babu JITENDRALAL BANNERJEE: How long has Mr. J. N. Bannerji been acting as an Additional Film Inspector?

Mr. C. P. HOGG: I require notice of that.

Babu JITENDRALAL BANNERJEE: Was the post advertised before Mr. Bannerji was appointed to it?

Mr. C. P. HOGG: I do not know, Sir.

Babu JITENDRALAL BANNERJEE: Will he be so good as to enquire into the matter and let us know?

Mr. C. P. HOGG: Yes, Sir.

Babu JITENDRALAL BANNERJEE: What is the pay he is drawing?

Mr. C. P. HOGG: I require notice of that, Sir.

Tangi-Tangail-Mymensingh Railway Scheme.

*36. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the report of the Committee appointed to enquire into the Tangi-Tangail-Mymensingh or Tangi-Tangail-Singjani Railway Scheme has been submitted and published?

(*b*) If the answer to (*a*) is in affirmative, will the Hon'ble Member be pleased to state what are the main points recommended or suggested by the aforesaid Committee?

(*c*) Will the Hon'ble Member be pleased to state whether the Committee has suggested abandonment of the scheme on financial grounds?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether the said recommendation has been accepted by the Government finally?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No. The Committee will make further observations during the next rains. The final report will therefore not be ready for some time.

(*b*), (*c*) and (*d*) Do not arise.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether any preliminary report has been submitted by the committee?

The Hon'ble Sir JOHN WOODHEAD: Not that I know of.

Babu SATISH CHANDRA RAY CHOWDHURY: For how long has the committee been working?

The Hon'ble Sir JOHN WOODHEAD: I cannot say offhand.

Sale of Estates defaulting revenue.

***37. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing, district by district, for the whole province and, year by year, from 1928 till such year for which figures are available—

(*i*) the total number of

(*A*) permanently settled revenue paying estates, and

(*B*) temporarily settled revenue paying estates in each district;

(*ii*) the number that were sold for arrears of revenue;

(*iii*) the number of such estates as pay revenue of more than Rs. 5,000;

(*iv*) the number of estates as described in (*ii*) and (*iii*) that were purchased by Government at such sales?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*), (*ii*) and (*iv*) The member is referred to Appendices IA, IB and IV of the Land Revenue Administration Reports for the years from 1928-29 to 1934-35, copies of which are laid on the Library table.

(*iii*) The information is not readily available.

Muslims in Calcutta Port Trust.

*38. **Khan Bahadur Maulvi MUAZZAM ALI KHAN:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table a statement showing for the present and separately—

(*i*) the number of clerks of the various grades in each department in the office of the Port Commissioners, Calcutta, with their scales of salary;

(*ii*) how many of the said clerks in each department and grade appointed during the four years namely, 1925, 1926, 1934 and 1935, respectively are—

(1) Hindus,

(2) Muslims,

(3) Christians, and

(*iii*) how many of these clerks in each department and grade are—

(1) Non-matriculates,

(2) Matriculates, and

(3) Graduates?

(*b*) If the number of Muslim clerks in the office of the Port Commissioners is not up to the prescribed proportion, what are the reasons for the same?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) A statement is laid on the Library table.

(*ii*) and (*iii*) The information is not available or cannot be collected without an amount of trouble and expenditure which the Government regret they are not prepared to undertake.

(*b*) There is no prescribed proportion in the Port Commissioners' service.

Maulvi TAMIZUDDIN KHAN: With reference to answers (*ii*) and (*iii*), will the Hon'ble Member be pleased to state whether the offices of the Port Commissioners do not keep any record of the religions of their employees?

The Hon'ble Sir JOHN WOODHEAD: I do not think that they keep a record of their servants classified according to religions.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether they also do not keep any record about the academic qualifications of their employees?

The Hon'ble Sir JOHN WOODHEAD: I could not say, Sir.

Maulvi SYED MAJID BAKSH: Do they keep a record of the names of their employees?

(No answer.)

Increase of work in Civil Courts.

***39. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the recent issue of Rules and Circulars by the Hon'ble High Court has greatly increased the work of the ministerial officers of the Civil Courts?

(*b*) Have the Government or the High Court made any enquiries or collected materials to show the amount of increase of work, its effect on the health and efficiency of the staff and the necessity for the increase of staff?

(*c*) Will the Hon'ble Member be pleased to state whether any, and if so, what steps are being taken to relieve the overworked ministerial officers?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) The member is referred to the answer given to a similar question by Kazi Emdadul Hoque in the December session of the Council.

(*b*) and (*c*) The entire situation will be examined by the Special Officer who it is expected will take up the work in a short time.

Inland steamer employees' strike.

***40. Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that on the refusal of the Joint Steamer Companies to redress the grievances of the steamer employees or even to receive a deputation on behalf of the employees by the Inland Steamer Navigation Workers' Union, there has been a strike causing dislocation of the steamer traffic and consequent inconvenience to the public;

(*ii*) that a procession of over 400 men waited outside the Writers' Buildings and their representative approached the Labour Commissioner on the 25th February, 1936, who refused to intervene in the matter; and

(*iii*) that on the 26th February the same 400 men passed in procession by the Council House and their representative saw several members of the Council to draw attention of the Government to the situation created by the strike?

(*b*) Is the Hon'ble Member considering the desirability of—

(*i*) receiving the deputation himself; or

(*ii*) urging upon the authorities of the steamer companies to receive the deputation with a view to redress the grievances of the employees and to reinstate 250 clerks and 150 other workers who have been dismissed and to remove the present dislocation of steamer traffic and prevent the apprehended further general strike throughout the province?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) Government understand that between the 14th and 18th February the Joint Steamer Companies dispensed with the services of certain clerks and daftries who refused to work overtime after 6 p.m. and thereafter a number of clerks and coolies employed at the booking offices at Juggernath, Armenian, Nimtollah and Kulpi ghats came out on strike.

No report of any dislocation of traffic or inconvenience to the public has been received.

(*ii*) The Labour Commissioner saw Mr. K. C. Mitra on the 24th February and explained that the question whether an employer should recognize, or receive a deputation from, a union was one that rested entirely with the employer.

(*iii*) No.

(*b*) No.

Babu JITENDRALAL BANNERJEE: Under section 3 of the Trades Disputes Act, is it not provided that a dispute of this nature may be referred to a court of enquiry or a board of conciliation?

The Hon'ble Sir JOHN WOODHEAD: I do not think, Sir, that it is so.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Member any information on the subject? Has he looked up the matter?

The Hon'ble Sir JOHN WOODHEAD: Perhaps Mr. Bannerjee has.

Babu JITENDRALAL BANNERJEE: Will he take it from me that there is such a provision for reference to a court of enquiry or board of conciliation?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I should have to examine the question carefully.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether it is a fact that only because the men refused to work overtime that the services of 250 clerks as also those of other workmen, totalling about 400, were dispensed with, although it was a fact that the Joint Steamer Companies refused to meet their just grievances and even to receive a deputation which wanted to impress upon the companies that it was humanly impossible for them to work from 6 o'clock in the morning till midnight in certain cases?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I am not aware that that is the fact.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to make enquiries into the matter and remove the grievance of these persons who have gone on strike and caused serious dislocation on the steamer traffic?

The Hon'ble Sir JOHN WOODHEAD: The main point of contention is not a matter of grievances as Mr. Banerji would make us believe, but the recognition of the union.

Mr. P. BANERJI: Is it not a fact that Mr. Walker, the Labour Commissioner, refused to interview and discuss the matter with the representatives of the union because he refused to recognise this union, and that it was subsequently recognised by the intervention of the High Court?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I refer the hon'ble member to my reply to (*a*) (*ii*).

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Old Benares Road.

9. MUNINDRA DEB RAI MAHASAI: (*a*) With reference to the reply given on the 20th December, 1935, to my starred question No. 76(*b*), will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the proposal has been referred to the Special Officer, Road Development Projects, the Hooghly and Howrah District Boards and the Commissioner of the Division?

(*b*) If the answer to (*a*) is in the negative, when is the proposal likely to be so referred?

(c) Is the Hon'ble Minister aware—

(i) that the Hooghly District Board informed the Government (*vide* Hooghly District Board letter No. 3689-95 of 3rd December, 1935) regarding the improvement and maintenance of the old Benares Road lying between Chanditala and Sheakhala and of the urgent need for its repair by the Government;

(ii) that the Commissioner of the Burdwan Division expressed his opinion regarding improvement of the old Benares Road in the Annual Administration Report for the year 1934-35 of the Hooghly District Board; and

(iii) that the said Commissioner forwarded to the Special Officer, Road Development Projects (*vide* his letter No. 193 L. S.-G. of the 15th January, 1936), a copy of the public representation, dated the 4th January, 1936, addressed to the same Commissioner, and a copy of the reply given by him?

(d) If the answers to (c) are in the affirmative, is the Hon'ble Minister considering the desirability of taking necessary action for the speedy improvement of the road in question?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) and (b) The Special Officer, Road Development Projects, has already undertaken investigation of this particular project. Reference to the District Boards of Hooghly and Howrah and the Commissioner of the Burdwan Division will be made shortly.

(c) (i) and (iii) Yes.

(c) (ii) No.

(d) The work cannot be taken up until the opinions of the different interested bodies are received and examined and the scheme is sanctioned by the Local Government and the Government of India.

East Bogra Local Board.

18. Maulvi RAJIB UDDIN TARAFDER: (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(i) that there are two local boards in the district of Bogra with only one subdivision;

(ii) that the population in the East Bogra Local Board area is greater than that in the West Bogra Local Board area; but

(*iii*) that the number of members of the East Bogra Local Board is 12, but that of the West Bogra Local Board is 15?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for (*a*) (*iii*)?

(*c*) What steps, if any, do the Government intend taking to modify the existing distribution?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The reasons for allotting more members to the West Bogra Local Board for better convenience of representation were—

(*i*) the West Bogra Local Board contains 7 thanas as against 5 of the other local board;

(*ii*) the area covered by the West Bogra Local Board is larger, viz., 773 square miles as against 586 square miles.

(*c*) A proposal for increasing the number of members of the East Bogra Local Board is under consideration of Government.

Pargana Mymensingh.

11. Maulvi ABDUL HAKIM: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay a statement on the table showing for the pargana—

(*i*) the total amount of annual revenue payable to Government by the landlords for the pargana (Revenue area) Mymensingh in the district of Mymensingh;

(*ii*) the total amount of annual rents realisable by the landlords from their tenants and tenure-holders (if any) in the said pargana;

(*iii*) the total amount of annual road cess realisable by the landlords from their tenants and tenure-holders (if any) in the said pargana; and

(*iv*) the total amount of annual road cess payable to the district board by the landlords for the said pargana?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) and (*iv*) Separate figures for this pargana are not available as its assessment for purposes of revenue and cesses is joint with that of pargana Jafarshahi. The joint annual revenue and cesses for the two parganas are Rs. 1,37,409-3-3 and Rs. 78,553-11-9, respectively.

(*ii*) and (*iii*) The information is not readily available and cannot be collected without an expenditure of time, labour and money which Government would not feel justified in incurring.

Scale of pay of district boards' employees.

12. Babu KISHORI MOHAN CHAUDHURI: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the scale of pay of each class of employees of the different district boards in Bengal is different and vary widely?

(*b*) Are the Government considering the desirability of issuing instructions to the district boards to adopt—

(*i*) a uniform scale of pay for each class of employees; or

(*ii*) the scale of pay of the Government for their employees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) There are variations in the scales of pay in the different districts.

(*b*) No.

Talkies at Pabna town.

13. Dr. JOGENDRA CHANDRA CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Nootan Bazar was started near Joykali Bari at Pabna town after the Hindu-Mussalman riots there, but had subsequently to be discontinued as it did not prove a financial success?

(*b*) Is it a fact that, about three years ago, the aforesaid bazar was leased to Babu Anath Bandhu Bhowmik, Municipal Commissioner of Pabna, for a period of five years at a rental of Rs. 140 per year?

(*c*) Is it a fact that *jatras* and other performances were used to be held since a long time at the place where the present Nootan Bazar is situated?

(*d*) Is it a fact that Rai S. C. Sinha Bahadur and Rai S. C. Bose Bahadur, former District Magistrates of Pabna, granted permission to Anath Babu to exhibit talkies at Nootan Bazar after holding enquires by the then Superintendent of Police, Pabna, before granting such permissions?

(*e*) Is it a fact that Mr. L. C. Guha, present District Magistrate of Pabna, after holding the requisite enquiry once granted permission to Anath Babu to exhibit talkie pictures in Nootan Bazar Hall, and in consequence thereof Kumaresh Talkie was held there for one and a half months?

(*f*) Is it a fact that a Marwari gentleman applied this year to the District Magistrate to exhibit talkies at Nootan Bazar, but permission was refused to him with the remarks "this cannot be allowed," though there are tin sheds in that bazar to accommodate over one thousand people?

(*g*) Is it not a fact that the very same Marwari gentleman has been granted permission to exhibit talkies at the open space opposite to municipal hackney carriage stand with only tarpaulin enclosure?

(*h*) Is it a fact that permission has been granted by the very same District Magistrate to exhibit talkies at the Banamali Institute of Pabna town?

(*i*) Is it not a fact that the female hospital is very close to the Banamali Institute and is not this area surrounded by houses of many respectable people?

(*j*). Will the Government be pleased to enquire why the District Magistrate has refused to grant permission to exhibit talkies this year at Nootan Bazar? If not, why not?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) and (*b*) Yes.

(*c*) Such performances were occasionally held.

(*d*) to (*h*) Yes.

(*i*) Yes. But it is reported that the residential houses are at a considerable distance.

(*j*) The District Magistrate reports that permission is generally refused for Nootan Bazar if more suitable places are available, but actually at the present moment a show is being exhibited there.

Record-suppliers and muharrirs of the Bengal Secretariat.

14. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether there are any rules for the recruitment of record-suppliers and *muharrirs* of the Bengal Secretariat?

(*b*) Have their duties been specified in those rules? If so, what are they?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to say whether he proposes to specify their duties?

(*d*) Is it a fact that the initial pays and hill allowances of the record-suppliers and *duftries* are the same though their duties are different in nature?

(*e*). If the answer to (*d*) is in the affirmative, do the Government contemplate to differentiate their initial pay in view of the differential nature of their duties?

(*f*) Are the record-suppliers and *muharrirs* of the Secretariat promoted to the posts of assistants?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table the names of the record-suppliers and *muharrirs* who were so promoted for the periods from 1910 to 1925 and 1926 to 1935?

(*h*) Is it a fact that the revision of their scale of pay proposed in 1926 is still pending?

(*i*) If the answer is in the affirmative, will the Hon'ble Member be pleased to state when effect to the proposal will be given?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) Yes.

(*b*) No.

(*c*) Their duties are well known and do not require definition.

(*d*) Yes.

(*e*) No revision of their scales of pay is under contemplation.

(*f*) No.

(*g*) Does not arise.

(*h*) and (*i*) Government have lately carried out a general revision of pays downwards. The proposal to increase the pay of these men has therefore been dropped.

(Maulvi Abdul Hamid Shah put a supplementary question in Bengali, the following being an English translation of his question):—

Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member be pleased to state whether it would not be more in the interest of smooth and efficient working of the department that their duties need be defined?

The Hon'ble Sir JOHN WOODHEAD: No, Sir. I do not think so.

Employees of Calcutta Port Trust.

15. Khan Bahadur Maulvi MUAZZAM ALI KHAN: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table a statement showing—

(*i*) how many posts are there under the Port Commissioners, Calcutta, on a scale of pay varying from Rs. 40—Rs. 300, Rs. 301—Rs. 499, Rs. 500—Rs. 4,000;

(*ii*) how many of them are filled by the Hindus, Muslims, Europeans, Anglo-Indians, Indian Christians, Depressed or Indian Scheduled Castes people, respectively;

(*iii*) what is the total number of posts of clerks under the Port Commissioners, Calcutta;

(*iv*) how many of them are held by the Hindus, Muslims, Europeans, Anglo-Indians, Indian Christrians, Depressed or the Scheduled Castes, respectively;

(*v*) how many Hindus, Muslims, Europeans, Anglo-Indians, Indian Christians and Depressed or Scheduled Castes were appointed during the three years from 1925-27 under the Port Commissioners, Calcutta;

(*vi*) what were their academic qualifications at the time of their appointment?

(*vii*) how many Hindus, Muslims, Europeans, Anglo-Indians, Indian Christians and Depressed or Scheduled Castes were appointed in ministerial services under the Port Commissioners, Calcutta, during the last two years and ten months including the month of October, 1935; and

(*viii*) what are their respective university qualifications?

(*b*) What minimum university qualification is demanded by the Port Commissioners, Calcutta, in making appointments in the ministerial services?

(*c*) Do the Port Commissioners advertise their vacancies before making appointments?

(*d*) If the answer to (*c*) is in the negative, what procedure is followed by them in selecting candidates for ministerial appointments and in making appointments in their Survey and Traffic Departments as River Surveyor and Traffic Surveyor?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) to (*iv*) Two statements furnishing the desired information or as much of its as can be collected without special expenditure are laid on the table.

(*v*) to (*viii*) The information is not available or cannot be collected without an amount of trouble and expenditure which the Government regret they are not prepared to undertake.

(*b*). There is no fixed rule, but the Commissioners do not ordinarily consider a candidate who is not a Matriculate.

(*c*) and (*d*) In the past vacancies in ministerial posts have not been advertised as there has always been a long waiting list of candidates from whom selection has been made. Other vacancies in the Traffic and Survey Departments are advertised unless the Commissioners consider there are good reasons for not adopting this course.

Statement referred to in the reply to clauses (a) (i) to (iv) of unstarred question No. 15, showing the number and distribution of posts under the Port Commissioners, Calcutta.

Scales of pay.		Number of posts	Hindus.	Muslims.	Christians.
Rs.					
40—300	..	2,289	1,782	382	125
301—499	..	69	15	1	53
500—4,000	..	170	15	Nil	155
Total	..	2,528	1,812	383	333

Statement referred to in the reply to clauses (a) (i) to (iv) of unstarred question No. 15, showing the number and distribution of clerical posts under the Port Commissioners, Calcutta.

Total number of posts	..	..	..	1,739
Hindus	..	..	..	1,572
Muslims	..	..	..	146
Christians	..	..	..	21

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS.

GOVERNMENT BILL.

The Bengal Water Hyacinth Bill, 1935.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I beg to present the Report of the Select Committee on the Bengal Water Hyacinth Bill, 1936.

I beg to move that the said Bill, as reported on by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clause 10.

The question that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 2 (*1*), in line 1, after the word "Collector," the words "of the district" be inserted.

My only justification for bringing this amendmnet is to make the Act as clear as possible. I do admit, Sir, that the word "Collector" has a specific meaning in the vocabulary of Government. But all the same there are a good many Collectors attached to different places and I should like to make the matter clear—it may not be absolutely essential, but there is no harm in making it clear—that the Collector of the district concerned should be there. So, I want to have the words "of the district" added.

Mr. A. E. PORTER: I think, Sir, the hon'ble member has moved his amendment under a misapprehension. The word "Collector" requires no definition in this Act, because it is defined in the General Clauses Act, and if any question of doubt arises, the word is to be interpreted under the definition given in that Act.

The amendment was put and lost.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 2(*1*), in line 4, for the word "person," the words "officer subordinate to him" be substituted.

My intention is that a responsible person should be authorised to do the work. A third person may not be so cautious and may not be discreet in enforcing the provision; so I would like that any Government officer subordinate to the Collector should be authorised. I have therefore, suggested that the words "officer subordinate to him" be substituted.

Mr. H. P. V. TOWNEND: I feel very grateful to Kishori Babu, because he has justified me in what I said when the Bill was under preparation. I expressed the view that the House would insist on having none but officials as authorised officers. Kishori Babu and myself are, however, as I now see, in a minority; at least this is so if the opinion of the House may be judged by that of the Select Committee. If I may say so without disclosing a secret of the Select Committee, it was at the request of the non-official members of the committee that this change was made. They objected that Chairman of the district boards might take a personal interest in the campaign; that there were also the union board officers; and there were retired officers of Government—all respectable gentlemen who could be trusted to carry out the somewhat restricted duties of an authorised

officer: so, in view of the unanimous opinion of the Select Committee Government had no alternative but to accept the amendment which now forms part of the Bill and which will probably in practice prove very convenient.

The amendment was put and lost.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I beg to move that in clause 2 (*6*), in line 3, after the words "water or," the words "any part thereof where this Act applies or" be inserted.

Sir, I find that it is quite conceivable that water hyacinth may exist only in a small portion of a big property which may be held by different persons under different titles. Under such circumstances, it would be enough for the purposes of this measure if the occupier of the particular area where water hyacinth has grown is dealt with under the Act. That is why I want to add the words "or any part thereof where this Act applies" in order to make this measure more effective.

Mr. H. P. V. TOWNEND: Sir, this is a point which was considered by the Legislative Department when the Bill was being drafted, but no solution was found to the difficulty. Actually the Rai Bahadur's amendment will not serve its purpose. I am very doubtful what the meaning could be of the words "any part thereof where this Act applies or" or what would be the effect of their insertion; but I imagine that what he wishes is something like this. We might find a man who owned a piece of water with water hyacinth on it but who refused for reasons best known to himself to destroy it; if then the Collector, unable otherwise to recover the cost of clearance, decided to take possession of that water under clause 12, the Rai Bahadur wants the man to be able to say "you cannot take possession of any water which has no water hyacinth on it, but you may take those portions only where there is water hyacinth." That is, if the water hyacinth was in patches, floating here and there on the water, it would be necessary to demarcate the various places on the water where there was hyacinth before clearance started. This would be extremely difficult to do, and it would prevent any profit from being derived from the water. For that reason the amendment put forward by the Rai Bahadur is absolutely unworkable. We do not want unnecessarily large stretches of water to be taken up under clause 12, but no amendment in the Bill is required: we must trust the commonsense of our District Officers who will not do anything unreasonable because they will want to have the support of the people of their districts in this matter. The District Officers will not take any steps that would alienate the sympathy of the public, and they would not go out of their way to do anything unjust merely because the owner

of a large property has refused to clear water hyacinth off a portion of it.

The amendment was put and lost.

Babu KSHETRA NATH SINGHA: Sir, I beg to move that in clause 2(*6*), in line 7, after the words "and includes", the word "Government" be inserted.

In this connection, Sir, I should like to refer to the history of water hyacinth in Bengal——

Mr. PRESIDENT: If that has anything to do with the motion we are discussing.

Babu KSHETRA NATH SINGHA: Yes, Sir, a short summary of its history is necessary to develop my argument. Sir, this water hyacinth pest has been in existence in Bengal for over a quarter of a century, and during this period Government tried their utmost to find out ways and means to destroy this pest, but all their attempts have so far proved unsuccessful. Then, Sir, Government has come forward with a remedy in the form of this Bill, but my question is that when Government with all their paraphernalia have been unable to solve it, how will the poor people—I mean the agricultural people who are mainly affected by this menace—be able to remove it? By bringing forward this Bill Government are merely asking the rural people to remove this pest from their lands and holdings. These agriculturists are not big landowners, but have got only small holdings and, therefore, they can be expected only to destroy the plant so far as small holdings are concerned. But what about the big rivers and *bils* which carry the plant from one place to another? To my mind. Sir, the work of removing the plant from big rivers and *bils* must be done by Government, but I do not find any specific provision to that effect in the Bill. The duty of Government as provided for in the Bill is only to punish people who will not remove that pest from their lands, but how will they be able to keep their lands free when there is no provision to stop its free passage along big rivers and from there into canals and *bils*? When there is a flood in the river Brahmaputra, this water hyacinth plant comes down in large quantities from Assam, and it is impossible for anyone to stop this. To my mind, Sir, when Government cannot find their own way to solve the problem, will the poor people be able ever to remove it from their lands? If Government is at all anxious to give relief to the people and bring back prosperity and fertility to the land of Bengal, Government must take some measure by which it will really be possible to eradicate the pest; otherwise, we will never be able to do anything at all, whatever punishment you may inflict upon the people for not doing their duty. The problem is not so easy as to be solved by voluntary work. No voluntary work

anywhere in the world has been able to achieve any great result, and it will never succeed in Bengal. If Government are really anxious to save us from this menace, they must come forward with men and money of their own and then ask the poor people to help them in their dire necessity of removing this terrible pest.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to support this amendment for the simple reason that unless something is done to cast an obligation on Government to keep their own waters clear, we are apprehensive that the good intentions behind this measure will be ineffective and will be entirely lost. However much this may be a welcome measure to us—and it is certainly welcome—it is by way of response of Government to the great public demand which has been in existence for a long time, we want to see what Government are going to do in dealing with this question. This Bill has been brought forward as a result of that public demand, and I am prepared to give all the credit to Government for it. But it is all the more incumbent, therefore, on Government to see that on account of any defect in the Act, the good results which are really expected from it are not denied to the people of the country. The Hon'ble Minister who is the sponsor of this Bill knows very well the source of this pest in his part. In the districts of Tippera and Mymensingh, the water hyacinth plants come flowing along the big rivers Brahmaputra and Meghna from Assam and seriously affect the riparian owners of land on both the banks of those rivers, however much they may try to prevent the onrush of them. It is impossible to stop their coming at the time of high floods when the banks are inundated and they find their passage into private lands. If Government will take the obligation to keep these big rivers free from water hyacinth, the public will readily come forward and help Government in keeping their lands clear. The question of clearing the big rivers of water hyacinth is an immense one and the task is also difficult in view of the fact that these big rivers pass through other provinces as well before they enter Bengal; but however difficult the problem may be, if something is not done by Government, I am afraid the whole thing will fail. Sir, I find that the only provision in the Bill is to construct fences, barriers and pounds to stop the onrush of these plants along big rivers, but the section is rather vaguely worded as it does not say who will have to do this work. If Government undertake to erect fences, etc., along these rivers in order to keep off the water hyacinth and if it is provided that in case Government fail to do their part of the work, there will be no liability on the part of the riparian owners of lands in case water hyacinth comes to exist in their lands, that would be something; we can at least expect that there would be no penalty imposed on those people in such cases. In the absence of a provision to that effect, I do not think that the addition of the word "Government" will meet the purpose, because the penal provisions in the Act

will not at all be applicable to Government. But still the insertion of the word "Government" here or the acceptance of a later motion with regard to new clause 7A tabled by Mr. Poddar which seeks to cast some obligation on Government is absolutely necessary, and unless this is done, the measure will fail to achieve its object, and in the working of the Act a lot of hardship and of injustice will be done to the poor cultivators. If the cultivators will have to do the duty of clearing their own lands and in addition if they have to do the duty which rightly falls on Government, I say the time will not be very distant when during the operation of this measure the poor cultivators will say—Save us from our so-called friends and also save us from the Government, however well-intentioned they may be. I admit that the measure as a whole has been very well conceived. That is the crux of the whole thing, and I think the mover of the Bill, by accepting the amendment, will prove that it is aimed at removing a curse which has been long in existence. Unless Government also takes up the responsibility to do its own part of the work, this measure will fail to achieve the object which is undoubtedly good. I think Government either will accept this amendment or will have some other amendment inserted to meet an emergency like this, so that the poor people may not be taxed for the fault of Government.

Mr. H. P. V. TOWNEND: Mr. Ray Chowdhury has quoted the phrase "save us from our friends," and simultaneously has asserted that he is one of them. He has said that he is friendly to the Bill—in fact, he announced this twice, once at the beginning and once again at the end of his speech. So he is one of our friends—and I may repeat what he said—"save us from our friends"—because in my opinion this amendment (although the mover did not perhaps intend it as such), is definitely a wrecking amendment. The Bill will be done for, finished and made futile; it may as well be thrown away at once, if this amendment is accepted by the House. Whatever may be thought of the Bill, its whole machinery is conceived in one piece, and it will not work if this idea of inserting an obligation for Government to meet the cost of clearing water hyacinth off land and water in its possession is added to it as a sort of patch-work. That being the case, I had resolved to ask the mover of this amendment to withdraw it, because it will not help the Bill and it will do a lot of harm and hamper the District Officers, if speeches in support of the amendment are made here and widely reported—apart from the fact that, if the amendment is adopted, it will ruin the Bill. The idea behind the Bill is that District Officers will go to the people and rouse them to take joint-action against the pest, by saying that all the other measures that have been tried have failed, that it is impossible for Government apart from the people to clear the water hyacinth and that the only hope of getting rid of it is to set to and clear it themselves. That is the method which has in

certain areas succeeded; but its success depends on cultivators having trust in the District Officers, and that trust will be shaken if there are many speeches in support of this amendment. There may be people all over the province who will say: "Our members in the Legislative Council have pointed out in eloquent speeches that we ought to sit down till Government have done their part of the work; so do not work with the District Officer, do not listen to him; let Government clear the stuff first—let us, in fact, wait for another 30 years during which nothing whatsoever will be done." That is why I hoped that this amendment would not be pressed; it would hamper work in the districts. Of course, the mover, as I gathered from his speech, is altogether hostile to the Bill, because he thinks that the idea of a mass movement to clear water hyacinth would not work; but I would implore him, if that is his opinion, simply to oppose the Bill as a whole and to get it rejected by the House altogether if he can, but not to attempt to destroy its chances of working if it is passed, by pressing an amendment of this character. I would not make this appeal to him if he were hostile to the object of the Bill; but he is not hostile to its object; he says that he wishes to see water hyacinth abolished and therefore, I think, he ought to give us a fair chance. He does not believe that the scheme put forward by Government will work; but we believe that it will work if the Bill is passed as it stands, and we believe in the methods on which it is based. It is of course at first sight a very attractive idea that Government should do their part and that they should be expected to clear the water under their control just as the local bodies, the *zemindars* and the individual *ryots* are asked to clear the water under their control and the lands which they occupy. But the idea of inserting a clause of this kind is absolutely illogical, unless it is combined with a provision for taxation. We have been trying for years to get a Bill together to deal with water hyacinth: but every proposal that has been put forward has been shattered on this same difficulty that no one could suggest where the money was to come from. Always the assumption was that Government would have to undertake financial responsibility for clearing the water in their own possession and also for clearing the water in the possession of *zemindars;* because when the *zemindars* thought they could not do the work, Government would have had to advance the money in the first place and take the chance of recovering it later. In a previous Bill, which would have imposed financial obligations on Government, there was a provision for some sort of taxation. It was put forward by Mr. Gupta, who, I am glad to see, has returned to our midst. In Mr. Gupta's Bill there was a proposal for raising funds by taxation; it is true that they would not have proved sufficient, but the Bill recognised the principle that if Government is to be under an obligation to clear the water hyacinth, money must be provided from some sources other than those which Government now have. We are a bankrupt province now and our budget does not permit us to——

Babu SATISH CHANDRA RAY CHOWDHURY: Our budget is not going to be a deficit budget in the future.

Mr. H. P. V. TOWNEND: We are practically bankrupt now. We hope not to be bankrupt in the future, but we owe an immense sum of money, and we cannot say where the money is going to come from for this sort of work. The position is this: If this amendment were accepted, the chances would be that people would stubbornly refuse to do anything towards clearing water hyacinth until it had been cleared from all water under the control of Government. Thus, the cost falling on Government would be heavy and we should have to examine very carefully any proposal to undertake new liabilities for any area. The practical effect of that would be that before the Act was enforced in any district, we would have to make a definite estimate of the cost of clearing Government water in that district; it would be very difficult to make such an estimate and, in order to avoid committing Government to vague or excessive liabilities, the Act would not be extended freely to new districts. I need hardly remind the House that any work paid for by Government is very much more expensive than similar work done by local people through hired labourers or by the help of their friends. Government always have to pay the full market rate. It was calculated in 1926 that the cost of clearing water hyacinth from the rivers and *bils* of Bengal would be a minimum of Rs. 5 crores. We have not got Rs. 5 crores and there is no hope of our getting 5 crores, and, therefore, if this amendment is put in the Bill, we can say good-bye to getting anything done at all. The amendment would make it impossible to tackle the whole of Bengal at once; we would have to deal first with one district and then with another. This would mean slow work and would put up the ultimate cost. There is a tremendous risk of water hyacinth coming back, into areas which have already been cleared, from neighbouring areas which have been left untreated; so the cost in each district would go up. Thus, the total cost, if the proposal put forward by the mover were adopted, would be very much larger than the five crores estimated already. On the method contemplated in the Bill, on the other hand, we may get successful results by putting up comparatively small sums to supplement the work done by voluntary methods. The cost would go up for another reason. We have to remember that (as was found in Orissa), if anyone starts paying for the work of clearance, nobody will do the work without pay. As Mr. Peck points out in his Cuttack report, when a man thinks that he can get pay for work, he will not do it voluntarily. The only practicable method is to work with unpaid labour and to get everyone to help in clearing water hyacinth wherever it is found; it is only incidentally that every man will have to be made responsible for his own land. The amendment, if accepted, would make the Government responsible for most of the work; people

would not join in the work of clearing the water hyacinth off water for which Government were responsible, and the result would be that we should have to give up all hope of getting anything done. In addition there is this point: If Government starts paying at Government rates for the clearance of water hyacinth, then *zemindars*, landlords, or *raiyats* who want to use hired labour for similar work will have to pay at the same rate as Government. It will increase the cost; no one will do the work for nothing and everyone will demand Government rates. The cost would increase because the work would be done piecemeal, it would increase because people would not be prepared to do the work voluntarily, and it would increase because everyone would have to pay higher rates for labour. This would mean that the work would not be done at all. Mr. Singha wants us to go back to the position in which things stood before the idea of using voluntary action was adopted; that will prevent anything being done, and, since he wants somethings to be done, it is obvious that the reason for his amendment is that he does not trust the Government to do anything except under compulsion; but I think the House will trust Government to do the reasonable thing. My hope is that when the Collector has brought the people together and imbued them with enthusiasm, Government are not likely to hold back and say: "We refuse to pay the money which will help to finish all the work." I do not know if everyone here has read a letter, published in the *Statesman* yesterday, from the Commissioner of Orissa; he points out that for clearing 8,000 square miles they hope to spend only Rs. 2,000. Certainly that is not meant to cover the cost of initial clearance, but I defy anyone to get 8,000 square miles cleared of water hyacinth for so small a sum if the full cost of labour has to be taken into account. As the letter pointed out, such small expenditure for so large an area is possible on account of the willing co-operation of the people. If we sacrifice that, we sacrifice everything. This harmless looking amendment is absolutely unworkable and absolutely without purpose, and I hope the mover will withdraw it.

Mr. NARENDRA KUMAR BASU: May I be permitted to ask either the Secretary or the Hon'ble Minister in charge whether Government efforts will remain only in undertaking the formation of working parties as Mr. Townend has put it, or whether Government propose to deal with the water hyacinth in land or water which are in their sole occupation?

Mr. H. P. V. TOWNEND: I was asked to put up a scheme for eradication of water hyacinth. I knew that on the material before me it was impossible to put up a case before Government on which a decision to undertake clearance of public water at the cost of Government would be expected; and I approached the whole question on

different lines. I cannot say now what will be the cost of clearing the big *bils* if we can rely on voluntary co-operation. Probably, it will be comparatively small. One of the ideas that I put forward was that sprays might be used to destroy the greater part of the water hyacinth massed in the *bils* (for sprays can safely be used in remote *bils*, although they might be dangerous in rivers, the water of which the people drink) and that the remnants which may or may not remain might be cleared by man power with comparative ease. I cannot say what would be the cost of spraying under those conditions or whether it would be necessary to pay anything for the cost of manhandling, though I imagine that it would be necessary to pay. I picture the District Officers coming forward and saying that such and such an area has been practically cleared of water hyacinth and that they want so many thousands of rupees to finish off the job. This the Government to come will have to face. It may be a stale argument, but it happens to be true that the work done under this Bill will mostly be done under the Reformed Constitution, and if the Minister responsible did not press for the necessary money to clear the water hyacinth from public waters in areas where the people have done their best to clear it, he would be turned out.

Babu KSHETRA NATH SINGHA: I beg leave of the House to withdraw my amendment.

The amendment was then, by leave of the House, withdrawn.

The question that clause 2 stand part of the Bill was put and agreed to.

Clause 3.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 3, in line 2, after the word "bring," the word "intentionally" be inserted.

Sir, I find it is laid down in the Bill that no person shall himself or by any other person on his behalf bring water hyacinth into Bengal; it is all right, and I am not quarrelling with that. What I am quarrelling with is about the possibility of a person committing an offence under this Act by bringing water hyacinth unintentionally. It is quite possible that a portion of it may come into the possession of a particular person, or it may be located in his tank or garden quite unintentionally. I do not know, but I believe, it produces some seeds and these seeds may be sold by the nursery-men, and intentionally or unintentionally they might be mixed up with other seeds and sold or thrown over the garden where, as a result thereof, the water lilies may appear. Therefore, it is only fair that the law should give protection to those people who unintentionally come within this section without meaning any harm to anybody or having the least idea of

committing any offence under this Act. That is why I am suggesting to insert the word "intentionally" after the word "bring" in this clause. It will harm nobody. If it is *mala fide*, certainly the court of law will punish him, but if it is *bona fide*, then no court of law can punish him. So what harm will there be in having the word "intentionally" put down in the clause, so that the people about whom I have mentioned may be given protection? So far as I have been able to make out, water hyacinth has been found in fashionable places as a decoration, and it is quite possible that even after the passing of the Act it might be kept as a decoration in some houses. If they do not intend to use it as a pest, they ought not to be within the clutches of the law. This is my reason for moving this amendment.

Mr. A. E. PORTER: Sir, I hope I have this time understood the hon'ble mover, because I have a very great deal of sympathy with what he says. Actually, I am convinced that the provisions of this clause, as they stand, will not leave any loophole for the unfortunate consequences which he apprehends. There is no intention whatever on the part of Government to render liable to any penal sanction any person who unwittingly imports hyacinth into Bengal; and I am perfectly certain that the view which would be taken by the courts, if any case of that nature came before them, would be that, if ignorance of what it was were pleaded and proved, it would be a sufficient defence. Actually, the objection to the introduction of the word is in a way a legal one and is connected with the burden of proof. As the clause now stands, nobody is prevented from pleading that he did what he did unwittingly as contemplated by the mover of the amendment, but the onus of proof will remain on him. But if the amendment is carried, then the onus of proof is shifted, and it will become necessary in every prosecution under this clause to prove the intention. These are the reasons for which Government oppose this amendment.

The amendment was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that to clause 4 the words "except for purposes of manure" be added.

Sir, my intention is very clear. We understand that water hyacinth is really an excellent manure under certain circumstances. So if anybody wishes to make a profit by simply using it for manure without any intention of doing any harm to anybody or to any place, he should not be prohibited from doing it. That is my intention, and in this view I have proposed this amendment. I hope it will be accepted by the House.

Mr. A. E. PORTER: Sir, Government oppose this amendment for reasons which, I think, will convince the hon'ble mover and he can withdraw it. In the first place, if it is the intention of anybody to sell water hyacinth as manure, then when it has become manure it is no longer water hyacinth and, therefore, does not come within the danger of this Bill. On the other hand, if he wishes to trade in water hyacinth before it is manure, then under certain circumstances it will be possible for him to trade in it, because clause 17A has been added in the Select Committee. Under this clause it will be possible for a *bona fide* trader to obtain a licence to trade in the weed under certain conditions which make it unlikely that damage will be thereby done. Government consider that this is a better provision than to put in the words suggested by the hon'ble mover, because it has been proved by experience that even carting water hyacinth in its live state through a district is very dangerous. Hon'ble Members coming from Mymensingh will probably be aware of the danger which has arisen and the damage that has been done there because, whilst the weed was being carted for the purpose of manure, portions of it had fallen and infected areas which were previously unaffected. For these reasons Government oppose this amendment.

The amendment was put and lost.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 5, in line 2, for the words "in any garden or in any ornamental water or receptacle, the words "in any land or water" be substituted.

Sir, I think there is no special mention in this Bill of what an ornamental water or receptacle is. If it is simply laid down that no person shall be allowed to grow or cultivate water hyacinth in any land or water. I think that will be quite sufficient. Why should a special case be made out for using these things, *e.g.*, in garden for pleasure purposes or for any other purpose? To my mind, in whatever way it is used, it is likely to cause harm to the people. I, therefore, think that people should not be allowed to grow or cultivate it in any way whatsoever. With this end in view I have moved my amendment.

Mr. A. E. PORTER: The hon'ble mover of this amendment now appears before the House in a very stern guise. He is introducing into the Bill a strictness which was not intended. As will be found in this Bill the penal clauses, clauses 3 to 6, provide for the punishment of

deliberate acts, acts about which it is very difficult to say that there can have been any lack of intention on the part of the persons committing them. If you grow water hyacinth in a garden, you must intend to grow it. This must be deliberately done and you are liable to be punished; but if you happen to have water hyacinth upon your land growing and that land is not a garden or an ornamental water or receptacle such as is contemplated by the clause, you very likely may be an innocent victim of the sport of Mr. Satish Chandra Ray Chowdhury's gods. The intention of this Bill is to make a distinction between those people who deliberately cultivate this weed and those who are unable to rid themselves of the pest, and if the hon'ble mover's amendment is carried, that distinction will be obscured. It is not fair to make it an offence to have water hyacinth on your land until a notice has been given and an opportunity has been offered to the person on whose land it is to clear it away. I hope the hon'ble mover on hearing this explanation will be good enough to withdraw his amendment, but if he persists, Government will oppose it.

The amendment was then put and lost.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 6, in line 2, after the word "hyacinth," the words "except for manuring or commercial purposes" be inserted.

Sir, I move this amendment with some amount of hesitation. After hearing the discussion which has preceded the present one, I do not know where I am. At the same time, I am not convinced that what I intended to do had been done. I find that clause 6 prohibits the removal of water hyacinth from one place to another, that is, nobody has any right, after this Bill is passed into law, to remove water hyacinth from one place to another. I also find that the Select Committee have inserted a big clause, clause 17A, almost at the end of the Bill; it must be as a result of the efforts of some members of the Select Committee. Evidently, they tried to impress upon the authorities that it was desirable that instead of the Act laying down this prohibition in the form in which it is laid down in this clause 6 there ought to be a certain loophole left for legitimate purposes. Therefore, they have laid down in clause 17A that "notwithstanding anything contained elsewhere in this Act any person or class of persons authorised by the Local Government in this behalf may, subject to rules made under this Act, sell, remove or keep water hyacinth for a prescribed purpose." But there it ends. I do not find anywhere any mention as to what would be the purposes which are likely to be prescribed. So, I presume, Sir,

that this is only an eyewash to silence the objection of the members of the Select Committee, which, presumably, was raised in the discussions there. I was not a member of the Select Committee, and nobody has a right to go into the proceedings of the Select Committee on the floor of this House, but, Sir, still it looks like that. This is my point, but at the same time I must tell those who are in charge of this Bill that there is a strong feeling amongst men who are otherwise very reasonable and who are particularly anxious that this water hyacinth danger should be uprooted, among them, Sir, there are men who are of a scientific turn of mind—eminent scientific researchers—who, as my friends must be aware, have published the results of their researches, and although they may not yet have been able to give out anything definitely which Government might adopt at the present moment, yet it is not impossible for us to hope that in course of time certain things may be discovered when it will be profitable to make use of this water hyacinth as a manure or for other commercial purposes. So far as we know, and those who have even little knowledge of Chemistry will bear me out that water hyacinth is a good thing as a manure. And not only that; it is quite possible that we may get some useful chemical substances out of it. But in your efforts to do away with this hyacinth danger by means of this Bill, which has my sympathy, you are altogether cutting out any possibility of any chemical substance being extracted out of this plant. That is the reason why I think Government ought, after considering the two sides of the question, adopt a *via media*, if I may say so, by inserting the words I have suggested, that "except for manuring or commercial purposes" no one should be allowed to remove water hyacinth.

I will say only one word more. My friend reminds me that in a court of law "onus" is a very important thing. The "onus" here will be on the party; the Government will not be hampered, for it will be only on the party to prove that the water hyacinth was there for manuring or commercial purposes. Therefore, Sir, I do not know what objection Government may have to accepting my proposal.

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Mr. H. P. V. TOWNEND: Sir, I am sorry to have to oppose Rai Bahadur Dr. Haridhan Dutt, for I think really that, substantially, we are in agreement as regards the main object which he has in view. Government had no ulterior motives when they accepted the suggestion that a separate clause should be inserted to deal with the exceptions to the rule that nobody should remove water hyacinth, and, accordingly, clause 17A was put in in perfectly good faith by all concerned. The fact was

Rai Bahadur Dr. HARIDHAN DUTT: I have seen that, Sir, and, therefore, I beg leave of the House to withdraw my amendment.

The amendment was then, by leave of the House, withdrawn.

Babu KSHETRA NATH SINGHA: Before moving my amendment, may I just make one thing clear? In my notice I asked the Secretary to word my amendment in this way:—

To add sub-clause 6(*1*) after the *Explanation* to clause 6 and add the following:—

"The Collector is empowered to make an exception in case of natural moving plants with flood water or rain," and not as it has been worded in its present form.

Mr. PRESIDENT: But does that make any difference?

Babu KSHETRA NATH SINGHA: No, Sir, little or no difference.

However, Sir, I beg to move the amendment as it stands on the agenda, viz., that "clause 6 be renumbered as clause 6 (*1*) and after that clause as renumbered the following be added, namely:—

"(*2*) The Collector is empowered to make an exception in case of natural moving of plants with flood water or rain."

In moving this amendment I request the Hon'ble Minister in charge of the Bill to do one thing and that is a very simple thing, and that is to relieve the poor of their burden by embodying an amendment in this Bill. My reason is this: By accepting my amendment Government will be doing justice to the people simply because during flood-time or heavy rains water hyacinth comes down from different places and it surpasses all human power—all human ability—to remove it. No person, not even Government to my mind, will be able to remove water hyacinth during flood or rain. So, if my amendment is accepted by Government, they will be doing a great justice to the people who are quite unable to remove the hyacinth that is coming on their lands during flood and rain by their own exertions. With these words, Sir, I commend my amendment to the acceptance of the House.

Mr. A. E. PORTER: Mr. President, Sir, I am in sympathy with the mover of the motion, but I think that his apprehension is unfounded. There is nothing in this Bill, as it has been laid before this House, which will render a person liable for the natural movement of water hyacinth. Actually, this amendment purports to give power to the Collector to make an exception to what does not, in fact, exist. It is, therefore, a somewhat illogical amendment. Anyhow, the point that I want to emphasise is this: That the circumstances which he wishes

to prevent will never arise, because there is no provision in this clause or in the whole of this Bill for punishing any person for movement of water hyacinth which has been caused by what is outside his own motion. That, I understand, is the legal advice which has been given to Government. There is, therefore, no reason for the hon'ble member to move this amendment. I hope that he will be good enough to withdraw it.

The amendment was then put and lost.

The question that clause 6 stand part of the Bill was put and agreed to.

Clause 7.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move that to clause 7 (*3*), the following be added, namely:—

"Provided that after the issue of such notification as aforesaid any owner or occupier may within three weeks thereof apply to the Collector of the district stating his difficulties and praying for such assistance as he considers necessary for proper compliance with the directions contained in the notification and the Collector shall consider such application and direct such assistance as he in his discretion shall think fit."

My reason for tabling this amendment is that when a notice will be served upon a person, it may be difficult for him to comply with the directions given in the notification. When a provision is going to be made, it should be clearly stated that if there is any difficulty, the person concerned should be given the opportunity of coming at the earliest possible moment before the Collector and showing why he is unable to comply with his order. I, therefore, think that this proviso should be added that if there be any real difficulty; and if it is not possible for any individual person to do anything for which a notification has been issued upon him, he should be given the opportunity to show cause so that the Collector after hearing his objections may take the necessary steps to remove the evil or in any other way deal with the matter.

Dr. NARESH CHANDRA SEN GUPTA: Although it is difficult to support the wording of the amendment, I think the substance of it is worthy of consideration of Government. Section 7, as it has been drafted, allows no exception. Sub-clause (*4*) says, if any occupier fails to comply with the provisions of this section in respect of any land, premises or water in his occupation, any authorised officers may, together with such persons as he may consider necessary for the purpose, enter on such land, premises or water and take such measures

as are in his opinion necessary for removing or destroying the water hyacinth. And then when he does enter and when it is a question of recovering the cost of removing the water hyacinth, and clause 11 says, any costs incurred by the authorised officer for carrying out any measures under sub-section (*4*) of section 7 or sub-section (*2*) of section 9 shall be recoverable from the occupier as a public demand payable to the Collector. Then clause 12 says, if the Collector fails to recover, or considers it inadvisable to recover, any costs under section 11, he may, subject to any rules made under this Act, in his discretion, enter on and take possession of any land or water in respect of which the costs are due after giving notice to the occupier and retain possession thereof and turn the same to profitable account until the said costs together with interest thereon at such rate, not exceeding six and a quarter per cent. per annum as the Local Government may prescribe, have been realised from the profits or paid by the occupier.

This seems to make the whole set of these rules a complete block without any opening for an exception to be made except possibly by the use of the word "may" in "an authorised officer may....."

Sir, I submit that it is necessary to consider a case in which the person in question upon whom the notice has been served, may be too poor to carry out the work. In such a case, the water-hyacinth cannot be left there; it must be removed; but there ought to be some opening in this clause by which the Collector may cause the water hyacinth to be removed at public cost without recovering the cost from the person concerned. Under these circumstances, I would ask the Government to consider this question and adopt this proposal with some such variation as would make it acceptable.

Mr. H. P. V. TOWNEND: Sir, Government are fully in sympathy with the object of this amendment, but they are altogether out of sympathy with the means proposed; and I gather that even Dr. Sen Gupta is totally out of sympathy with the amendment as actually put forward. The argument of Dr. Sen Gupta is that no exceptions can be made under the Bill and that no poor person or person who finds that particular difficulties prevent him from clearing hyacinth can be exempted under it as proposed by Kishori Babu; but Dr. Sen Gupta himself quoted three sections under which action is permissive, and he himself pointed out that action is only permissive. There is nothing in the Bill to compel the Collector or the authorised officer to take action under these sections, and therefore exceptions can be made under them. Furthermore, there is section 19 which says that no prosecution shall be started without the consent of the Collector; if a man has water hyacinth on his property and is unable owing to poverty, etc., to remove it, he cannot be prosecuted unless the Collector thinks that he should be. Furthermore, there is a provision, in new clause

17A, that notwithstanding anything contained elsewhere in this Act persons may be authorised to keep water hyacinth for a prescribed purpose. It seems to me, therefore, that the Bill is full of safeguards. The suggestion is that if a person is poor, he should be exempted from any of the sanctions provided in the Bill. A man is not necessarily unable to remove water hyacinth because he is poor. Some of our cultivators are very poor men, but they are quite capable of removing water hyacinth with their own hands from land or water in their possession, and the fact that they are poor, does not (if they are capable of manual labour) afford any reason why steps should be taken to give exemption to people who refuse to do this work. In that case, people who would otherwise have cleared the hyacinth with their own hands will merely refuse point blank to do it, and we will not be entitled to prosecute them or to recover the cost of removing the plant. It is possible under this Bill for the Collectors to say that this unfortunate woman or that unfortunate man is unable to clear the plant and that the work of clearance must be done for them and the cost be waived: volunteers might be encouraged to do the work in such cases. There is no need, therefore, for having a legal provision. In the districts where water hyacinth has been cleared, this has been done even though there are no legal provisions whatsoever. Others have cleared water hyacinth from the land of people who are unable to do it themselves. If this amendment is accepted, people will become unreasonable and will not try to do the work in the best possible manner.

As Dr. Sen Gupta points out, this particular amendment is not happily worded. It would, in fact, make things worse for unfortunate people, because it provides that the application should be made within three weeks from the date of issue of the notification, although failure to do such work would not generally be detected till weeks later. If these words are in the Bill the Collector will say that the law provides that relief should be asked for within three weeks, but that as perhaps six weeks have already elapsed nothing can be done. I hope that Kishori Babu will see his way to withdraw the amendment.

The amendment was put and lost.

Mr. SARAT KUMAR ROY: I beg to move that in clause 7 (4), line 2, after the words "this section," the words "within a reasonable period" be inserted.

Sir, I think occupiers of land and water should be allowed adequate time, either to remove or destroy water hyacinth that may grow on such land or water. But the period that they may require must vary according to the area over which they have spread. Besides, Sir, these plants cannot be destroyed unless and until they dry up. It would, therefore, be a great injustice to individual occupiers of land or water if their special difficulties are not taken into consideration. It may so happen

that a large sheet of water may be in the occupation of one individual and the period of time mentioned in the general notification under sub-clause (*1*) may not at all be sufficient in such a case.

Sir, for these reasons, I think that the law should provide for the emergency that may arise in particular cases.

Therefore, I think it is advisable that the word "reasonable" should be added.

Mr. A. E. PORTER: Mr. President, Sir, again I am in complete sympathy with the hon'ble member who has moved the amendment, and again I think it is unnecessary for such an amendment to be incorporated in the Bill. In sub-clause (*1*), there is a provision that there shall be a notification directing that after such period as may be specified in the notification, etc. Now, Sir, that is the period within which the clearance will be done, and I do not think that the hon'ble member who moved the amendment or any other hon'ble member of this House has reason to assume that the period to be prescribed will be unreasonable. In other words, we can take it that a reasonable period before prosecution has already been provided for in the clause as it stands. But if it is not provided,, then my second argument is that the hon'ble member's amendment does not provide it. The reason is that the only judge of what is a reasonable period will be Government who will issue the notification; and if you cannot trust Government to adopt a reasonable period in issuing a notification, it is no good putting this provision in section 7(*4*) because Government will simply turn round and tell you: "Well, this is reasonable, and we are the only judge." For this reason, Sir, I hope the House will reject this amendment.

The amendment was put and lost.

The question that clause 7 stand part of the Bill was then put and agreed to.

The question that clauses 9 and 10 stand part of the Bill was put and agreed to.

Clause 10A.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move that in clause 10A, in the penultimate line, for the words "twenty-four hours" the words "three clear days" be substituted.

Sir, I think that twenty-four hours' time will be a very short one because within that time it will not be possible for the persons to make necessary arrangements. Therefore, I think, that instead of twenty-four hours three clear days' time may be given. This is not a very unreasonable demand, and I hope the House will accept my motion.

Mr. H. P. V. TOWNEND: Babu Kishori Mohan Chaudhuri does not, I think, realise the conditions under which the work will be done. There will be a number of volunteers who will join together in clearing their own land and the land of others; if it is found that someone has left his land uncleaned, the volunteers can be asked to clear it, at a very small cost comparatively. If they have to wait even 24 hours before going on to the land there may be difficulties, for volunteers cannot be kept indefinitely at any place and once they are scattered it will not be easy to bring them back again. If we are compelled to allow as much as three days' time, the volunteers will not wait but will pass away from the neighbourhood, thus necessitating the use of hired labour which will make the work expensive. Also there is this point: Actually water hyacinth, with few exceptions, will not be found growing inside buildings. It is conceivable that we might find water hyacinth grown in pots inside a house, but for all practical purposes the chances of this are negligible. It will never be necessary to go into a house unless it is necessary to go through a passage to remove the water hyacinth from the courtyard. Under such conditions, when it is a question of securing privacy for the ladies of the house 24 hours are just as good a time as three days. I, therefore, hope that Kishori Babu will withdraw his motion; but if he does not, we oppose it.

The amendment was put and lost.

The question that clause 10A stand part of the Bill was put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: May I have your leave to move both amendments Nos. 21 and 22 together?

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Is this amendment (No. 21) in order without the sanction of Government?

Mr. PRESIDENT: The sanction of the Governor has been accorded.

Babu KISHORI MOHAN CHAUDHURI: I think both the amendments (Nos. 21 and 22) may be moved together.

Mr. PRESIDENT: As the fate of the former will decide the fate of the latter, perhaps it would be sufficient if you moved amendment No. 21 first and see how you fare.

Babu KISHORI MOHAN CHAUDHURI: But can I move No. 22 without moving No. 21?

Mr. PRESIDENT: I am afraid, you can't, because a portion of No. 22 depends on No. 21—see the use of the word "two-thirds" in motion No. 22.

Babu KISHORI MOHAN CHAUDHURI: I crave your permission to move No. 21 for the present.

Mr. PRESIDENT: I have already said you can do that.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move that in clause 11, in line 1, for the word "Any" at the beginning, the words "two-thirds of the" be substituted and at the end of that clause the following be added, namely:—

"and one-third of the costs shall be borne by the Government in the Local Self-Government Department."

Sir my object in tabling this motion is to point out that individually it would be a hard thing for anyone to bear all the expenses and an occupier may not be the full owner. As has already been discussed in this House, in such cases Government should be prepared to do something, and whatever may be the expenses a certain proportion should be borne by Government, and my proposal is that one-third should be borne by Government, one-third by the owner and one-third by the occupier. If it is provided that Government should pay a certain proportion for that purpose, it may be said an estimate would have to be prepared and it would be a costly arrangement, and it might not be done. But this is not necessary. The question will arise when the thing is done or non-compliance of the notice served. A person may be a poor cultivator and may have only a temporary right without any special right such as *adhiyars*, and simply because he occupies the land, he should be made to pay the entire burden is hardly reasonable, and it will be very oppressive to carry out such a provision. I, therefore, propose that there should be a provision that simply the occupier should not be made to pay and anyone having some interest in it should also contribute to that extent. When the Colllector takes up this work, if anybody fails to carry out his directions, he can enter into that man's land and with the help of others have the work done. In that case the cost will at first be borne by the Collector and the question of apportionment will come in later. It is not reasonable that in a matter like this Government should plead their inability to pay a share of the cost. They can get the work done with the help of the funds at the disposal of the district boards. It should be considered by the House whether it is not impossible for a particular person to meet the whole cost of it individually. The scheme of the Act is not happy. If anybody wishes to do anything he may find some difficulty if other persons possessing land and having water hyacinth in the upper portion do not

clear the water hyacinth from there. Practically if anything has to be done, it must be done by the whole body of villagers, otherwise during the rainy season the water hyacinth will come in volume from the upper portions and block the ways which will be a positive nuisance and destroy the crops. Persons in other villages are to be required to do the very same thing simultaneously, and if those persons are not within the jurisdiction of the same Collector, they shall have to take the assistance of the Collector under whose jurisdiction they live. So I think that the Act as framed will cause oppression to some, and in a matter like this Government should not hesitate to provide for some arrangement by which the work can be done cheaply and for which nobody will have to contribute much. If it is not possible for any individual person to do it, in that case it has to be considered who is to do it and in what way that individual person should be helped. I, therefore, think that the entire responsibility of doing a thing should not be thrown upon an individual person, but that Government should help where help is needed. If there is no provision for bearing any portion of the cost, no person can be forced. If the whole case is considered, it will be clear that the thing cannot be done in the way it has been suggested. There should be some provision for the co-operation of others not only in removing water hyacinth but also in meeting the cost of removing the water hyacinth. If actions are taken by the entire body of villagers or persons of other villages who are also concerned in this matter, they may be called upon to do their portion of the work at the same time, and if it is not possible for any person to bear the whole cost, he should not be forced to pay the whole cost and thereby driven to the insolvency court; some arrangement should be made to give him adequate relief. For these reasons I propose that the matter may be provided for in the Bill in the way I have suggested. Provision should also be made to give him an advance from the Government fund. But how is that money to be recouped? Even if it is not recouped and if a man is not in a position to pay the whole amount, then what should be the remedy? Simply the Collector's ability to realise the whole amount will not do. There must be some provision how to manage the whole thing. Either Government should meet it or minimise the cost as much as possible.

Mr. PRESIDENT: Kishori Babu, I am told that you could not fully grasp my directions to you and that you, perhaps, thought that I had overruled your first proposition. I should tell you that you are mistaken. You asked me whether you could move motion No. 22 without moving No. 21. I had to say that you could not do that because of the word "two-thirds" which is derived from your first motion; but, I should have told you at the same time that if you really intended to move only the other motion, you could do so if you removed the word "two thirds" from motion No. 22 and thus make it quite independent

of the other motion. If you want to move only No. 22 I may allow you to withdraw No. 21, provided, of course, you delete the word "two-thirds" from No. 22.

Babu KISHORI MOHAN CHAUDHURI: Is it necessary, Sir, that I should withdraw No. 21?

Mr. PRESIDENT: If it is your intention to move only No. 22, you may. Otherwise I shall put both your motions to vote, and in case the first is lost, the other will automatically fall to the ground.

Dr. NARESH CHANDRA SEN GUPTA: Sir, with regard to this matter, it may not be possible for us to support motion No. 21 in the form in which it stands, but I should like to support No. 22 with a verbal alteration. With the permission of the hon'ble mover, may I move it in that altered form?

Babu KISHORI MOHAN CHAUDHURI: Sir, I was thinking of the case in which the Collector should incur certain costs and do the thing, and if he fails to realise the entire cost from the person responsible, then what would be the effect? However, as I have been permitted to amend No. 22 in the way suggested, I move amendment No. 21 as it is, and I also move No. 22 in the amended form by omitting the words "of the two-thirds."

No. 22 will run—"that after clause," the following be added namely:—

"Provided that of the costs payable by the occupier, one-third shall be recoverable by suit by such occupier from the owner or owners, as the case may be, if the occupier is not a trespasser and if the owner or owners are different persons from the occupier."

Dr. NARESH CHANDRA SEN GUPTA: With regard to amendment No. 21, I cannot support it in the cut-and-dried form in which it has been moved, not because I do not think that the Government ought to contribute, but because it would not serve any purpose to ask the Government to contribute one-third in every case. Government will have to do a lot, if the Government does not want to shirk its duty to keep its own water and land cleared. You cannot possibly recover the cost of this from the people. Besides, if the Government is generous it can spend a lot of money for the purpose. I would not have the motion in a cut-and-dried form like this. But with regard to amendment No. 22, take the case of the land which is clogged with water hyacinth and which a particular tenant having no sort of occupancy right, a *bhagdar* or temporary under-*raiyat*, for instance, is cultivating at a low rent and eking out of the weed-choked land as little as he can. Well,

that land is cleared by his efforts and at his cost. It becomes much more valuable to the landlord and then the landlord ejects him forthwith for some reason or other. The tenant goes out and the landlord reaps the benefit of the clearance. That being so, there is no reason why the tenant who pays the cost should not be able to recover it from the landlord. Under this Bill it is the occupier alone who is liable to pay. Therefore, the landlord is not bound to pay. Under section 69 of the Indian Contract Act, the tenant cannot recover if he has paid the money. Section 70 of the Contract Act would not apply here because the landlord could not be said to have accepted the benefit. That being so, I think that a proviso of this character should be retained so that the tenant could realise from the landlord not more than one-third of the cost, because the landlord is benefited to that extent at any rate. The removal of the water hyacinth from the clogged area certainly improves the value of the land for the purpose of cultivation and the water for other purposes. I think, therefore, that the amendment as amended ought to be accepted.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I rise to oppose amendment No. 22. The general principle is that the person who is benefited should bear the cost. I cannot agree with Dr. Sen Gupta when he says that by removing the water hyacinth the value of the land will be increased, and it will benefit the landlord. If the value of the land is increased by the removal of the water hyacinth, which I doubt much, the benefit will be derived not by the landlord but by the tenant. So either from the point of view of the value of the land being increased for the purpose of cultivation or the condition of the water being improved for other purposes, it is the tenant who will be benefited and not the landlord. Moreover, by the removal of the hyacinth, the health of the tenant will be improved. This is another boon to tenants. So in all purposes of improvement, the cultivators will be the persons who will get the advantage directly and should be the persons to bear the cost. It is unfair for anyone to take advantage at the cost of others.

Mr. A. E. PORTER: Sir, I oppose both the amendments. With your permission, I shall deal with them separately. As regards No. 21, if this amendment is carried, the provisions of the Bill will be completely stultified. After the spate of eloquence in which the House has been submerged by my friend, Mr. Kishori Mohan Chaudhuri, I think it is useful to put before the House once more what is the root principle of this Bill. The root principle of this Bill is that water hyacinth should be cleared by voluntary concerted action, and I should like to call upon the members of thia House to throw out without any hesitation any suggestion which may be laid before them, however plausible, which

is going to interfere with the encouragement of voluntary concerted action. This amendment will certainly do that. As soon as it becomes known that Government has a liability to undertake the cost or any portion of the cost of what is done, what is going to happen? I can only ask the members of the House to put themselves in the position of the cultivators and occupiers of land. As soon as they know that if they fail to do anything, Government will pay one-third of the cost and the landlord will be stung with part of the remainder, they will have no interest whatever to come forward and give their services to clear their own lands for their own benefit. You will have the fantastic situation that where a person comes forward to clear his own land by giving his labour or money, he will be stung with the whole of the cost, whereas if he is a bad citizen, if he is malicious, he will be able to hold back and the cost will be recovered by Government partly from Government itself, partly from the occupier and partly by a suit at the instance of the occupier from the owner. That is a fantastic situation which no self-respecting member of the House would ever like to occur. In any case, the one-third payable by Government will require fresh taxation, as has been said already two or three times by my friend Mr. Townend. If we wish to go down to posterity at the end of this Council as having put on the statute book another Act which cannot be brought into operation for an indefinite period because there is a provision that Government shall make a pecuniary contribution which it cannot make in its present condition, then we shall support this amendment and add another Act to the statute book like the Waterways Act which has not been put into operation and will not be put into operation until large sums of money are available. So, I hope the House will throw out this motion. As regards amendment No. 22, the case has been argued, if I may say so, from the point of view of a person from whom the costs will not be recoverable in any case. That person, as Dr. Sen Gupta has put him before the House, is a man who has so little interest in the land, who has so little capital, and who has so trivial resources, that it is ridiculous to expect that he will be able to pay even one-third of the costs. And even if that is so, what will happen? What will happen will be that either he will be prosecuted or what is more likely, and what is almost certain, is that because he has no money and is genuinely indigent and because he may have given his labour but failed to clear his land (since it is beyond his own labour and also beyond the labour which he could command with his money), section 12 will come into operation, and at the discretion of the Collector such land as he has *may* be entered upon and occupied by him. The Collector *may* take possession of the land which has been freed from water hyacinth and upon which crops can now be raised. This land may previously have yielded crops to the extent of 2, 4, 5, 6, or 12 annas, but it will now yield a full 16 annas. The Collector may now enter into occupation of the land

and administer it. And who will be the persons who will get the crops? —the very persons who are the recipients of Dr. Sen Gupta's sympathy. The actual fact is that the land will be occupied by Government through the person in possession and cultivated by him, and his position after the land comes into the occupation of the Collector will be very much better than it was before the land was cleared.

There is another reason for throwing out amendment No. 22, and that is this: There was a somewhat similar provision in clause 11 of the Bill as it was referred to the Select Committee. The Select Committee, after careful consideration, came to the conclusion that a provision which permitted the ultimate realisation of costs from the owner was inequitable, and the Select Committee presented to this House with their report a Bill from which that provision was excised. The reason why this was excised was that the Select Committee considered that it was inequitable and unjust to recover costs from the owner merely for the default of the occupier to provide his own labour or to do his best to pay for the costs of clearance. Sir, there is no reason why we should reimpose a liability which was removed by the Select Committee. Actually, as I have already said, these two amendments combined would throw up the cost of clearing water hyacinth enormously. It would mean that there would be no inducement to anybody to give his services. Everybody would hold back and the work, if it was to be done at all, would have to be done by the Collector. The cost, if it were to be done by the Collector (as I have already submitted to this House) would be excessive and ultimately the *zemindar*, the landholder, the landowner would be compelled to bear costs which would be unnecessarily enhanced because of the recalcitrance of the people whom it is intended to punish for their recalcitrance. For this reason, Sir, I oppose both these amendments on behalf of Government and I hope that they will be thrown out by the House.

The amendments of Babu Kishori Mohan Chaudhuri were put and lost.

The question that clause 11 stand part of the Bill was put and agreed to.

Clause 12.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I beg to move that in clause 12, line 9, after the words "possession of," the words "so much of" be inserted.

Sir, before I make my speech I should like to put a question to Government to make it clear whether it is the intention of the Bill that in the case of a defaulter it is proposed that the whole of a piece of a land forming one holding would be attached or that portion only over which the water hyacinth may be appearing. After the receipt of an

answer to my question, I shall decide whether I should make any speech at all.

Mr. H. P. V. TOWNEND: Certainly, Sir, I can speak of the intention of Government, which is only this, that the particular field from which water hyacinth is cleared should be taken possession of—a bit of a field or a plot of land, and not a holding. A holding may contain very many plots.

Rai Bahadur Dr. HARIDHAN DUTT: Then, Sir, I had better make a speech on my amendment.

Sir, the point is this: Supposing I am the holder of 5 *bighas* of land in which I possess my homestead, my garden, and ponds. Now, in one of these ponds water hyacinth may be growing. I am a poor man and fail to pay the demand of the Collector; then action is taken against me under clause 12. The result of that would be that for the purpose of that little bit of tank within my holding, which is admittedly full of water hyacinth, the whole of my homestead, including my house perhaps, will be taken possession of, simply for the purpose of recovering the costs due. That, I beg to submit, would be drastic in the extreme. If you take possession only of that offending portion of the land, detach it from the rest of the holding, and keep it in possession of Government, so long as Government's expenses are not recouped, I personally would not object, and I do not think any objection would be reasonable. But if it comes to this, that for the sake of an offending tank my homestead and other portions of my holding, which are unoffending, must also be put under the ban of this Act and the cost would be realised from the whole property, that would be rather iniquitous. That is the reason, Sir, why I have tabled this amendment. If Government can give us an assurance that this is not their intention, I shall withdraw my amendment.

Mr. PRESIDENT (to Mr. Townend): May I know what was your argument with regard to clause 7?

Mr. H. P. V. TOWNEND: So far as I remember, Sir, we dealt with this question under clause 2 (*6*) also.

Rai Bahadur Dr. HARIDHAN DUTT: I did not move that amendment, Sir.

Mr. PRESIDENT: But amendment No. 4 bearing on clause 2 (*6*) was actually moved and lost.

Rai Bahadur Dr. HARIDHAN DUTT: I am sorry, Sir. I did not remember that.

Mr. H. P. V. TOWNEND: Sir, I think that the Rai Bahadur may withdraw his amendment safely, because the intention is that only that plot of land or that piece of water upon which there was water hyacinth would be taken possession of: there have been settlements throughout Bengal and every piece of land or water had been given a plot number; the plot concerned would be the subject of action under clause 12, not the whole holding which might comprise a dozen plots. That was the intention and that would be the effect of the clause. The legal advisers of Government say that that is the meaning of the words in this clause. Of course, if a Collector proceeds to recover the costs by certificate procedure under clause 11, he is not bound to proceed only against that particular plot of land, but if he takes action under clause 12, he would take possession of the *doba*, tank, or *bil*, or piece of river, or the field, from which water hyacinth has been cleared. So, I think there will be no difficulty whatsoever in practice. Certainly I am prepared to give an assurance that Government would proceed on these lines, or we can put this in the rules.

Dr. NARESH CHANDRA SEN GUPTA: Sir, if I may be permitted to point out, the language used in clause 12 is capable of other interpretations also.

Mr. PRESIDENT: What does the clause say?

Dr. NARESH CHANDRA SEN GUPTA: Clause 12 runs thus:—

"If the Collector fails to recover or considers it inadvisable to recover, any costs under section 11 he may, subject to any rules made under this Act, in his discretion, enter on and take possession of any land or water in respect of which the costs are due after giving notice to the occupier.....r."

The costs are due in respect of *any land or water*, and if we refer back to clause 7 we find——

Mr. PRESIDENT: Yes, that is what I had in mind.

Dr. NARESH CHANDRA SEN GUPTA: Clause 7 (*1*) says:—

"The Local Government may, by a notification, direct that within such local area and after such period as may be specified in the notification, no occupier shall allow water hyacinth to exist on *any land, premises or water* in his occupation."

And sub-clause (4) of clause 7 says:—

"If any occupier in a notified area fails to comply with the provisions of this section in respect of *any land, premises or water* in his occupation, etc."

I can understand the view that exactly that much of land upon which water hyacinth may exist may be taken possession of by Government. For instance, the water hyacinth may be growing in a corner of a field and that portion of the land may be taken possession of. But, I think, Sir, this clause as it stands is capable of other interpretations also. But even in that case, assuming that the interpretation put by Government is correct, and that they can only take possession of that land which they have cleared, which is the obvious intention of this section, it is capable of other interpretations also.

Mr. PRESIDENT: Clause 7 has already been accepted, and the remedy now lies in the rules as Mr. Townend has suggested.

Mr. H. P. V. TOWNEND: I do not say that it will be that particular piece of land only from which water hyacinth has been cleared. A holding has a definite settlement number entered in the settlement records. A particular plot out of the holding would be taken possession of but not the whole of the holding which may contain twenty different plots.

Dr. NARESH CHANDRA SEN GUPTA: It may not be the whole holding, but it may be the entire "plot". Is that so? In any case, Sir, I think it does not matter much if this amendment is accepted or not, but having regard to the speeches which I have heard now, although I have had a different opinion before, I would certainly oppose the motion that this clause 12 should stand part of the Bill. It is not necessary, and if it is administered in the spirit in which, according to Mr. Porter, it is going to be administered—I refer to the illustration which he gave of a man who was too poor to clear his land—if the land of even such a man is to be taken possession of in order to recover the cost, if that is the spirit in which Government want to administer this measure, I most strongly oppose this clause. What I understood the clause to mean was that under clause 12 Government would have power to take possession of lands of people who were recalcitrant, but if Mr. Porter was right in explaining the attitude of Government, I certainly think it ought not to exist in the body of the Bill. A person capable of paying may be prosecuted or compelled to pay under clause 11, and in his case there is no necessity of taking possession of his land. On the other hand, a poor man who cultivates a small plot of land with water hyacinth on it, because he cannot do anything better, if you retain that man's

land for one year or two, and get your 16 annas of crop out of it, is being deprived of his bread by you. I would, therefore, most strongly oppose the clause.

Rai Bahadur Dr. Haridhan Dutt asked for leave of the House to withdraw his amendment.

The amendment was then, by leave of the House, withdrawn.

Babu KSHETRA NATH SINGHA: Sir, I beg to move that in clause 12, in lines 13 to 15, the following be omitted, namely:—

"together with interest thereon at such rate, not exceeding six and a quarter per cent. per annum, as the Local Government may prescribe."

When introducing this Bill, Government said that it was a purely voluntary measure, and in this Government wanted the co-operation of the people, but we all know from the clauses of this Bill what sort of co-operation is being asked for. I am tempted to say that Government do not want co-operation, but coercion, i.e., they want to coerce the people to do something. Moreover, if this clause about interest is kept in the body of the Bill, then what will be the effect? People will be harassed in every possible way; their lands will be occupied by Government for the realisation of costs; in addition, several penalties have been provided for in the body of the Bill for punishing the recalcitrants; and over and above that, there is this clause for charging interest. Sir, if all these provisions are retained, God alone knows what hardship people will have to suffer.

Mr. H. P. V. TOWNEND: Sir, Mr. Singha is under a misapprehension. It has been pointed out in the Statement of Objects and Reasons that there is a minority of people who are reluctant to join in any good work, and it is necessary in order to make a voluntary movement successful to give powers to coerce that minority. The question now is whether Government should be out of pocket for the benefit of the people who deliberately refuse to do the work. If Government have to borrow the money, they have to pay interest, and if they do not have to borrow they lose the interest that would be credited to them on their balances. When Government is running a deficit budget, they would actually be paying interest. Why should Government then be out of pocket for the benefit of a people who do not join a good work voluntarily? As a matter of fact, the interest need not be charged at the rate stated or, for that matter, at all. There is no reason why in every case possession should be taken of the land. There is also no reason why possession should be retained for so long a period as is necessary for the recovery of interest in full. The Collector has discretion to hand back the land even though the interest has not been recovered. He is given a free hand in the matter and may be trusted to treat

hard cases fairly: no one wants to oppress people. I do not think this clause will be used much because it is more probable that the alternative will be preferred of recovering money in the shape of fines; but it is unreasonable to make it impossible for Government to recover the interest on amounts which they have put up. It is quite likely that if the campaign goes forward, Government will have to lend money and Government cannot afford to throw away interest in this way. Probably, there will be loss to Government in some cases, but in many cases the cost will be recoverable, and there is no reason why, when the amount is recoverable, Government should not be allowed to recover with interest. The amendment is unreasonable and I oppose it.

The amendment was put and lost.

The question that clause 12 stand part of the Bill was put and agreed to.

Clause 13.

Babu KSHETRA NATH SINGHA: I beg to move that clause 13 be omitted.

Sir, the clause runs thus:—

"Subject to any rules made under this Act, the Collector may permit or cause fences, barriers or storage pounds to be constructed in or along the edge of any river, stream, waterway, lake, tank, marsh or *bil* whether public or private within a notified area, and booms or floating barriers to be placed or maintained therein, for the purpose of checking or diverting the movement of water hyacinth."

If all these things are to be done, the position will be that the poor cultivators will never be able to meet all the requirements asked for in this clause. The reason for their inability to do these things is their abject poverty. To my mind, it is simply impossible and absurd to expect these things to be done by them, and for that reason the clause should be deleted altogether.

Mr. H. P. V. TOWNEND: There is a misunderstanding here. There is nothing in clause 13 to empower the Collector to force anyone to build fences or put up barriers or erect storage pounds or recover any cost or penalty from anyone in connection with their construction. The thing is that very often local bodies want to do these things: union boards, for instance, in Jessore combined to put up booms to prevent water hyacinth from passing into their lands. If there is no provision like this, it is possible that somebody may say: "You must not put any barrier across or in my water," because he may think that the real object is not to stop the flow of water hyacinth but to acquire certain rights of ownership or occupation. He may say: "I do not believe that

you are acting in good faith; you want to be able to say that you are in occupation of the land." Therefore, we need this clause which says only that the Collector may permit a fence or a barrier or a storage pound to be constructed. If the Collector raises money by voluntary subscription or from Government for constructing such barriers, or if a local body wants to construct them, then it can be done; but no private person can be forced to do it under this clause. I do not think anyone can object to his water being occupied by pounds, fences or booms or barriers for the general benefit of the countryside behind it. When a part of the country has been cleared it is almost impossible otherwise to prevent water hyacinth from coming back into it. It is not a fantastic idea: people in many parts of rural areas have themselves built these things during the past 10 or 15 years. In one case, an iron chain was stretched across a stream, and bamboo barriers have often been made, with provision in some cases for openings for navigation. These things have been done in the past to stop the passage of water hyacinth into the water and lands of villagers, and they may be necessary in future to keep it out of larger areas which will have been cleared.

The amendment was put and lost.

Mr. SARAT KUMAR ROY: Sir, I beg to move that to clause 13(*1*) the following be added, namely:—

"leaving always a sufficient opening for the purposes of navigation."

Sir, no doubt that this clause prescribes that fences, barriers, etc., are to be constructed in or along the edge of any water so that the central portion of it may remain clear and free for navigation.

But, Sir, in Northern or Eastern Bengal there are villages which stand as islands during the rainy season; and villagers are obliged to go out and come back to their villages by means of small boats or earthen pots. If fences or barriers are erected throughout along the edge of these villages and especially of those villages in which *hats* assemble, the villagers, unless sufficient openings are kept for their boats or earthen pots to pass or moor, will experience great inconvenience and difficulty. Hence, I suggest that sufficient and wide openings should always be kept for the purpose while constructing those barriers.

Mr. A. E. PORTER: The clause which it is attempted to alter nowhere gives any authority to close navigable channels. Therefore, there appears to be no reason why the hon'ble member should move

this amendment at all. As regards the people on whose particular behalf he moves this amendment, if they want to leave their homes, obviously in that case some provision has to be made for them to get free access to or egress from their homes. But from my knowledge of Eastern Bengal, I should say that the booms or barriers which are required to keep water hyacinth in its place are not such as to offer obstruction to a villager who is leaving his homestead in a small *dinghi* or *donga*. There is no reason to apprehend that the clause as it stands will affect those people on whose behalf the amendment has been moved and therefore Government oppose it.

The amendment was put and lost.

The question that clause 13 stand part of the Bill was put and agreed to.

Clause 14.

The question that clause 14 stand part of the Bill was put and agreed to.

Clause 15.

The question that clause 15 stand part of the Bill was put and agreed to.

Clause 16.

Mr. SARAT KUMAR ROY: Sir, I beg to move that in clause 16(2), in line 1, the word "material" occurring before the word "damage" be omitted.

Sir, I object to the term "material" because it is a very vague one. The loss or damage which may be trivial for one party may be material for another. Besides, if a vague expression like this be there to qualify the term "loss," difficulty may arise in determining whether any compensation should be allowed or not in particular cases. Moreover, I do not quite understand why this expression has been put there. As there is a provision later on in this clause, for determining the amount of compensation by agreement, I think the Collector will have sufficient opportunity to fix compensation according to the circumstances of each case. Therefore, the term "material" seems to be rather superfluous, if not objectionable.

Mr. A. E. PORTER: The object of putting in the word "material" so far as I can understand is simply this: There are two kinds of damage. There is damage to a thing which is a material thing such as a pencil, a man's head or his land; and there is damage to a thing which is not material, such as the feelings of a man, his spirit, and so on. The amendment which the hon'ble member has moved would leave the Collector under the necessity of compensating the wounded feelings and imaginary grievances of a man. It is to prevent putting upon any officer of Government the necessity to compensate an entirely immaterial, unreal and imaginary damage that the word "material" has been put in this clause. In view of this explanation, I hope the hon'ble member will withdraw his amendment.

The amendment was put and lost.

Clauses 16 and 17.

The question that clauses 16 and 17 stand part of the Bill was put and agreed to.

Clauses 17A, 18, 19 and 20.

The question that clauses 17A, 18, 19 and 20 stand part of the Bill was put and agreed to.

(The Council then adjourned for fifteen minutes.)

(After Adjournment.)

Clause 21.

Maulvi ABUL QUASEM: I beg to move that in clause 21, lines 3 and 4, for the words "in good faith done or intended to be done," the words "done honestly and with due diligence" be substituted.

Sir, I may at once tell the House that what I am asking for is already a part of an Act passed only in the last December session of this Council—I mean the Bengal Court of Wards (Amendment) Act, 1935. There also the indemnity clause was exactly similar to that in the present Bill. I happened to be a member of the Select Committee which considered that Bill and, at my instance, the change as I propose here was adopted in the Select Committee. Sir, may I tell the

House that the Bill was in charge of an eminent lawyer, the Hon'ble Sir B. L. Mitter? He saw the force of the argument put forward by me. Under the Bengal General Clauses Act, I of 1899, a thing is deemed to be done in good faith where it is in fact done honestly, whether it is done negligently or not. Sir, we pointed out that negligence ought not to be allowed to go unpunished. If a thing is done honestly and with due diligence, let that be covered by an indemnity clause. But when an act is done negligently and not diligently that should not be covered by an indemnity clause because that would be putting a premium on negligence. This argument appealed to the Select Committee and the members of this Council. Sir, I am not asking for a new thing. I am asking the members of this House and the Government to accept a principle which has been incorporated in an Act which was passed only last December. I may point out that probably volunteers will be employed to carry out the different functions laid down in this Act, but the volunteers will be village people and they may have jealousies against their neighbours and might feed fat their ancient grudge, by wantonly subjecting them to loss and injury, knowing full well that their action would be covered by indemnity. Therefore, I appeal to Government to accept my amendment, which is fair, reasonable and just.

Mr. A. E. PORTER: Government oppose this amendment for the following reasons: First, it does not appear to me that in this particular case the form of words which the hon'ble mover of the amendment proposes to substitute is at all an improvement on that which has been put before the House in draft. It is to my mind a form of words which is bristling with obscurities. There appears to be in this context no particular meaning attached to the phrase "honestly and with due diligence." The form of words which Government are asking the House to incorporate in this Bill is one which has been adopted in a very large number of Acts, both Central and Provincial, and against the single instance in which the mover of the amendment has succeeded in inducing a Select Committee to adopt his phraseology, there is a long list of Acts in which the present form put before the House has been adopted. I do not think I need give the names of those Acts. The House will remember that, as recently as December last, to which date the hon'ble mover has referred, this House passed the Agricultural Debtors Act in which the present form was adopted; and in recent years there have been no less than 6 Bengal Acts and 2 Indian Acts (particulars of which I have been able to obtain in a very short time) in which the form proposed in the Bill has been adopted. For these reasons I hope the House will throw out the amendment proposed by the hon'ble mover.

The amendment was then put and lost.

The question that clause 21 stand part of the Bill was then put and agreed to.

Clause 22.

Babu KISHORI MOHAN CHAUDHURI: I formally move that in clause 22 (*3*), in line 3, for the words "fifty rupees," the words "twenty rupees" be substituted.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, I formally oppose the amendment.

Rai Bahadur SATYA KINKAR SAHANA: I beg to move that in clause 22(*3*), in line 3, for the words "fifty rupees," the words "twenty-five rupees" be substituted.

Sir, at the outset, I should like to point out that I am in full sympathy with the object of this Bill. My amendment is quite clear, and I only want that the penalty for a breach of any of the rules made under this Act should be limited to a fine of Rs. 25.

Mr. H. P. V. TOWNEND: Sir, the figure provided in the Bill is the maximum. It does not follow that everybody is going to be fined the maximum. The Magistrate hearing the case will impose a fine which is reasonable, and the general tendency is to impose fines which are too small, rather than too large, on poor people. I think I mentioned to the House that in the first subdivision which I saw inspected the routine fine imposed was 4 annas for damage caused by pigs straying at large: yet the law allowed the imposition of comparatively a large fine. We do not want prosecutions: we want people not to disobey the law. For that reason we want an adequate punishment to be provided as a deterrent. There is provision for substantial fines in other legislation for offences against by-laws about water-hyacinth. In Bengal the figure is Rs. 50; it is the same in the Bengal Municipal Act, the same in the Village Self-Government Act, and the same in the Assam Act and Madras Act; and the figure is Rs. 100 in the Burma Act. Rs. 150 was proposed in the Bengal Water Hyacinth Committee—Dr. Sen Gupta suggested Rs. 200 in his Bill. I do not think that Rs. 50 is too much as the maximum, and I would ask Rai Bahadur Satya Kinkar Sahana to withdraw his amendment.

The amendments were then put and lost.

The question that clause 22 stand part of the Bill was then put and agreed to.

Clause 23.

Mr. SARAT KUMAR ROY: With your permission, Sir, I beg to move the following amendments which stand in my name and which are all of the same nature:—

That in clause 23, in lines 3 and 4, for the words "one hundred rupees," the words "fifty rupees" be substituted.

That in clause 23, in line 5, for the words "one month," the words "fifteen days" be substituted.

That in clause 23, in line 6, for the words "two hundred rupees," the words "one hundred rupees" be substituted.

That in clause 23, in line 7, for the words "two months," the words "one month" be substituted.

Sir, this Bill has been objected to in some quarters, and it has been said that the most objectionable feature of the Bill is that it seeks to impose heavy penalties for breach of duties cast upon the public for removal or destruction of this pest. We should consider that the cost of its removal or destruction has been thrown upon the public. The spread of this pest is not due to any fault on their part and they have already suffered loss for it. They are now being compelled to incur penalties for really what was not their own fault. If in addition to their burden of loss and expenses, the penalties imposed be made heavy, they will incur further loss. We should, therefore, be lenient in imposing such penalties; particularly as there may be various difficulties in their way of complying with the notices and these difficulties may sometimes prove insuperable.

Sir, it has been suggested by some people that instead of using compulsion, we should seek the eradication of the evil by voluntary efforts. Anyway, there seems to be no reason why in enforcing compulsion we should not be a bit lenient in the beginning.

So, Sir, followig such principles as these, I think the amount of punishment should be reduced particularly because the idea is a new one.

Mr. H. P. V. TOWNEND: Sir, to begin with, may I say that surely it is not a new Bill or a new principle. Everyone has been abusing Government for being so slow in legislating, and everyone is used to the idea that something ought to be done to eradicate water hyacinth. I do not think that there is anybody in Bengal who is opposed to the idea of eradicating water hyacinth. Anybody who feels that water hyacinth ought to be encouraged is surely regarded as a public enemy. Anybody who wants to introduce water hyacinth in a district where it does not exist is surely regarded as a public enemy. The gentleman who introduced water hyacinth into Eastern Bengal is, I think, the most

unpopular person in Bengal at the present moment. The thing is that you must have an adequate penalty provided for various classes of offenders—a man who is well off will not be influenced by fear of a trifling fine. Incalculable loss has been caused to the people in Bengal by carelessness about water hyacinth. In some cases people are unable to clear the plant, but in the great majority of cases men have been perfectly willing to help themselves, so long as they had some assurance that others would do their part. We must be in a position to make others do it. The question of penalties was considered by the Select Committee who decided against any change, finding no reason to be sympathetic towards a man who refused to clear water hyacinth from his field. People accept the necessity for weeding their fields every year, and they will have to adopt the same attitude towards water hyacinth. They will have to accept the necessity for destroying it when it reappears, as it is bound to reappear. I do not believe that it will be possible once and for all to clear out the water hyacinth from Bengal, Bihar and Orissa, Assam, and the neighbouring country. So we must face this as a definite evil likely to recur, and we must have adequate penalties to scare people out of violating the clauses of the Act. The figure proposed for the maximum fine is, as I indicated when dealing with the last amendment, the one which was recommended by the Bengal Water Hyacinth Committee. They went into the whole matter and recommended this figure. It has been accepted by the Select Committee on this Bill after some discussion, and no argument has been brought against it.

The amendments were put and lost.

The question that clause 23 stand part of the Bill was put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, I beg to move that the Bengal Water Hyacinth Bill, 1936, as settled in Council, be passed.

It may be confidently hoped that this measure will set free a very large area of cultivable lands in the province which had hitherto been left uncultivated for years as a result of incursion by the hyacinth pest. The increase of such a big area under cultivation will undoubtedly have a salutary effect on the economic conditions of the agriculturists. It is well known to this House that Bengal is a deficit province in respect of the production of paddy. As larger cultivation of paddy is

expected from lands released of water hyacinth, the deficit in this respect will be considerably minimised, if not removed altogether. Further, the additional production will appreciably improve the income of the agriculturists. As a matter of fact, of the many districts which have already taken the lead in the destruction of the pest, I have personally seen the work done by agriculturists in the Brahmanbaria subdivision of my district of Tippera, and there the agriculturists have been able to increase their income by growing paddy on the fields thus set free. This Bill is, therefore, one of the most important and urgently needed legislations for improving the economic conditions of the agriculturists.

Sir, I am extremely thankful to the House for the support it has given me in getting through this useful and beneficial measure. Mr. Townend who has been very helpful to Government in the enactment of various beneficial measures in this Council and Mr. Porter have helped me much in piloting it through and deserve congratulations and my grateful thanks. I am also thankful to the members of the Select Committee who have contributed so largely to the improvement of the Bill. Lastly, Sir, I am grateful to you for all the facilities you have given in enacting this legislation.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support the motion, and I can assure the Government that so far as this particular Bill is concerned, the public really feel very thankful to the Government for having brought it forward at such an opportune moment.

I have already expressed my apprehensions in one respect, but if the Government officials are alive to the situation, and are alive to their responsibilities, in that case I am sure that this measure in its working will bring in untold blessings and prosperity on the country. I, therefore, congratulate the Government upon the intention that they have evidenced in this measure. It must have been noticed that in this Council there has been practically no opposition to the measure, and if some hon'ble members have felt bound to bring in amendments, Government may be sure that they were brought in only with a view to improve the measure, and not by way of opposition. Sir, there is a similar Act in Orissa and I understand that it is worked with great interest by the people there. I can assure the Government that so far as we in Bengal are concerned, people will not be wanting who will only be too willing to co-operate with Government officials in this particular matter. I note with satisfaction that Government officers, particularly in my part of the province, have already begun in right earnest to cope with this evil, and probably by the time that the Act is enforced, a large part of this evil will have become non-existent and a thing of the past so far as my district at any rate is concerned.

I hope that in working this measure the difficulties which lie in the way of the occupiers of the plots which contain water hyacinth, and other persons concerned, will be taken full note of and nothing will be done which will cause any hardship to any section of the community unnecessarily. With these few words I support the motion.

The question that the Bengal Water Hyacinth Bill, as settled in Council, be passed, was put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 13th March, 1936, at the Council House, Calcutta.

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